

THE INDIANA GAMING COMMISSION

ORIGINAL

BUSINESS MEETING

August 23, 2001

BE IT REMEMBERED that the following proceedings were had before me, TERRY M. PICKERING, a duly qualified stenotype reporter and duly commissioned officer of the State of Indiana, on Thursday, August 23, 2001, at the Genesis Convention Center, One Genesis Center Plaza, Gary, Indiana, and commencing at the hour of 9:50 a.m.

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C O M M I S S I O N P A N E L

DONALD VOWELS, Chairman

DAVID ROSS, M.D., Commissioner

RICHARD DARKO, Commissioner

DAVID CARLTON, Commissioner

ANN BOCHNOWSKI, Commissioner

THOMAS MILCAREK, Commissioner

JACK THAR, Executive Director

BILLY HAMILTON, Staff

CYNTHIA L. DEAN, Chief Counsel

RHONDA DALTON, Administrative Secretary

1 MR. VOWELS: Good morning. We'll call the meeting to
2 order. We have all commissioners present with the exception
3 of Commissioner Swan. The time is 9:50 local time.

4 The first matter on the agenda then is the approval of
5 the minutes from the previous meeting. It's the meeting of
6 May 29th, 2001. You've all had an opportunity to review
7 those minutes. Is there a motion in reference to the
8 minutes?

9 MR. MILCAREK: Motion to approve.

10 MR. VOWELS: Is there a second?

11 MS. BOCHNOWSKI: Second.

12 MR. VOWELS: Any discussion? All those in favor say
13 "aye."

14 (Ayes -- all. Nays -- none.)

15 MR. VOWELS: The next matter on the agenda then is the
16 Report of the Executive Director. Mr. Thar.

17 MR. THAR: Thank you, Mr. Chairman. Good morning,
18 Members of the Commission. A few items to go through.

19 First, on a personnel matter. And since it was not a
20 proper topic of the executive session, a lot of
21 commissioners may hear this for the first time.
22 Commissioner Bob Swan has submitted his resignation to the
23 governor to be effective upon the appointment of his
24 successor. While Bob has enjoyed his time on the
25 commission, his increasingly heavy workload prevented him

1 from making this meeting and the hearings and prevents him
2 from continuing as commissioner. Bob's work ethic, input on
3 tricky issues, and overall great sense of humor will be
4 deeply missed by all of us. Bob hopes that he'll be able to
5 participate in telephone meetings; and if we get back down
6 to Evansville, he'll be there also.

7 Also on a personnel issue, Tracy Sanders, a young lady
8 who started out as a secretary with the Indiana State Police
9 Background Investigation Unit, transferred to the Indiana
10 Gaming Commission at a higher-level position, and
11 subsequently became our promotions analyst, has given notice
12 that she is leaving to join the administration aspect of
13 Methodist Hospital's residency program. This is a major
14 career step for her; and while she will be deeply missed, we
15 are very happy for her success. Her last day is tomorrow,
16 Friday the 24th.

17 With regard to riverboats, as Majestic Star, Trump
18 Indiana, and Horseshoe all have relicensing hearings this
19 week, all issues concerning those riverboats will be
20 discussed during their respective hearings.

21 John Spina, the general manager of the Belterra
22 Riverboat, in Switzerland County has been replaced by Tom
23 Boshinski, who is acting in an interim capacity at this
24 time. He was the director of finance at Belterra prior to
25 this move. Other management changes include the assistant

1 general manager position and the head of security. All
2 replacement personnel have been reviewed for licensing
3 purposes.

4 With regard to minority business enterprise and women
5 business enterprise issues, Caesars had requested to have
6 the commission review Caesars' performance under the action
7 plan put in place by this commission and Caesars and did so
8 at our meeting of November 1999. Caesars requested, in its
9 current request, or its request is centered upon its
10 position that its numbers and efforts have either met or
11 exceeded the requirements of the action plan and the spirit
12 of the minority business, women business enterprise
13 provisions of the Riverboat Gambling Act. Due to scheduling
14 issues surrounding the opening of its hotel, Caesars
15 requested that the item be taken off this agenda and placed
16 on the next agenda. This request was agreed to, since it
17 relieves them of nothing which they have an obligation to do
18 right now and they will continue doing it.

19 Likewise, Belterra's minority business/women business
20 enterprise performance was to have been on this agenda. The
21 unavailability of the president of their company and the
22 fact that he is representing that he is taking this
23 extremely seriously, they also wish to have a reevaluation
24 of the draft action plan that they had submitted to the
25 staff. And because of the already rigorous schedule of this

1 commission for this week's hearings and meetings, that
2 request was also granted. The unavailability of the
3 president -- he seems to be out of the country with regard
4 to some family issues.

5 As a consequence of these two requests, a review of the
6 minority business enterprise/women's business enterprise
7 issues in general, and with regard to these two companies in
8 particular, it will be a major agenda item at the next live
9 commission meeting.

10 We have two items which I would describe as
11 miscellaneous items of an unusual nature. The first
12 revolves around Aztar. By Resolution 2001-20, the
13 commission approved that that restructuring and that
14 acquisition, which included first an amendment to reduce the
15 revolving credit facility to extend the maturity date and
16 the amortization table; and, secondly, approval to issue up
17 to \$200 million in either senior or senior subordinated
18 notes at an interest rate of eight and seven-eighths percent
19 or better.

20 By letter of July 27th, we granted a waiver to Aztar to
21 purchase \$175 million -- not to purchase, to put on the
22 market \$175 million of senior subordinated notes at 9
23 percent. The commission needs to either ratify this
24 particular waiver or to confer other instructions on Aztar.

25 So at this time I would like, Mr. Chairman, if you

1 would, to open up this issue to a discussion. If the
2 commission decides to ratify this particular issue, I think
3 that we need to do that in the minutes. You can do one of
4 two things: You can ratify it by action in the minutes, or
5 we can draft a subsequent order.

6 MR. VOWELS: Are there any questions for Mr. Thar in
7 reference to this issue? He had contacted me, and I believe
8 he also contacted Commissioner Swan. Is that correct?

9 MR. THAR: That's correct.

10 MR. VOWELS: And we were in agreement with you to allow
11 them to go forward at that lower amount with the higher
12 interest rate.

13 Are there any questions for Mr. Thar or anything anyone
14 has to say about that? We'll go forward then. We would
15 need some motion then in the minutes to approve or
16 disapprove what the staff has come forward with in reference
17 to Aztar on that issue. Is there a motion?

18 DR. ROSS: I'll move to approve.

19 MR. VOWELS: All right. Is there a second?

20 MR. CARLTON: Second.

21 MR. VOWELS: Okay. Is there any further discussion?
22 All those in favor of the motion to approve say "aye."

23 (Ayes -- all. Nays -- none.)

24 MR. VOWELS: All right. Mr. Thar, you have the thumbs
25 up on that.

1 MR. THAR: Thank you very much. We will have the
2 minutes then reflect that the commission approved and
3 ratified the waiver of the staff for the \$175 million senior
4 subordinated notes at 9 percent.

5 The final item, and this concerns the settlement
6 agreement in lieu of a disciplinary action the commission
7 entered into with regard to one of our Level 1 employees,
8 the general manager of the Harrah's facility, Mr. Joseph
9 Domenico.

10 Mr. Domenico is the general manager of Harrah's East
11 Chicago. In the latter part of the summer of 1999, a
12 now-former employee advised the Indiana Gaming Commission
13 agents that Mr. Domenico had pressured the captain into not
14 sailing during the July 4th weekend of 1999. An extensive
15 investigation was conducted, which resulted in the former
16 employee's testimony being primary evidence against Mr.
17 Domenico, who steadfastly maintained that the accusations
18 were not true and denied every aspect of it.

19 Through Mr. Domenico's counsel, an offer was made to
20 the staff that Mr. Domenico offered to voluntarily
21 relinquish his license on July 1, 2001, through July 4,
22 2001, to do so without pay and to not function as a general
23 manager as a way to settle the issue. I, as executive
24 director, accepted the proposed resolution subject to the
25 commission accepting the same.

1 Mr. Domenico did, in fact, relinquish his license at
2 the time set forth in the order that is before you, did not
3 get paid for the period that he was not at work, and he was
4 not allowed to function as a general manager in Indiana
5 during the four-day period. He did so with full knowledge
6 that the commission needed to approve these actions in order
7 to close the matter. I think the action represented a
8 realistic approach by Mr. Domenico, his attorney, and the
9 commission staff in the following ways:

10 The accusations that a general manager may have
11 violated a statutory requirement of our rules, if proven and
12 if gone through the ALJ process, etc., could very well mean
13 the suspension or the revocation of the license, which would
14 follow the individual through his gaming career if he had
15 one left. By the same token, from an evidentiary point of
16 view, you had one former employee pointing the finger at
17 someone whom, I think both sides would agree, had a
18 personality conflict with. Thirdly, the former employee was
19 not without his own issues in certain areas.

20 This action voluntarily done by Mr. Domenico is -- will
21 not be shown on our records as either a suspension or a
22 revocation, but rather a voluntary action on his part to
23 have this matter concluded without any further continuation
24 of the investigation or any further action.

25 From a staff point of view, we believe that this is

1 very just, and we would recommend to the commission that
2 this action on behalf of Mr. Domenico be accepted. There is
3 an order, I believe, that follows the minutes. And it's
4 entitled "Order of the Indiana Gaming Commission Concerning
5 Investigation of Joseph Domenico."

6 I notice Mr. Domenico is here.

7 Joseph, do you have anything that you wish to say?

8 MR. DOMENICO: Yes. I recognize that when you get put
9 on the spot like that to members of the commission and, you
10 know, from my standpoint, you know, I've always represented
11 the utmost integrity in terms of representing our
12 organization. I've been a part of Harrah's for a course of
13 over 20 years now; and during that time, I think my record
14 speaks for itself. Unfortunately, situations like this
15 exist. And I thought it was best in dealing with the
16 commission and through Jack and, you know, as we discussed
17 it, the best issue was let's get it behind us. Because, you
18 know, accusations are one thing; but, you know, really
19 having factual evidence behind it is something else. And,
20 you know, I sincerely want to avoid these kinds of
21 situations in the future. And we know the sailing issue is
22 a very controversial issue at all times in any jurisdiction,
23 and sometimes personal issues are different than giving
24 direct orders.

25 That's all I have to say. I thank you for your

1 consideration, and I appreciate the consideration of working
2 with the commission. Thanks again.

3 MR. THAR: Just for the court reporter, his last name
4 is spelled D-o-m-e-n-i-c-o.

5 MR. VOWELS: Any questions then for Mr. Thar or Mr.
6 Domenico? All right. Then hearing none and moving forward
7 then, there's an order in front of us for the Indiana Gaming
8 Commission concerning this investigation. Is there a
9 motion to approve or disapprove the terms of the
10 settlement?

11 MR. DARKO: I move to approve the settlement.

12 MR. VOWELS: Is there a second?

13 MS. BOCHNOWSKI: Second.

14 MR. VOWELS: Is there any further discussion? All
15 those in favor say, "aye."

16 (Ayes -- all. Nays -- none.)

17 MR. VOWELS: The terms of the settlement are approved.

18 MR. THAR: Mr. Chairman, Members of the Commission,
19 that will conclude my report. Are there any questions?

20 MR. VOWELS: Thank you, Mr. Thar.

21 And the next item on the agenda is Old Business, which
22 we rarely have anything under. But we have an amendment of
23 meeting minutes from Jennifer Chelf.

24 And you brought help with you I see.

25 MS. CHELF: We don't like to sit up here alone.

1 MR. VOWELS: Okay.

2 MS. CHELF: Good morning. The commission staff
3 discovered a couple of inadvertent errors or omissions in
4 the minutes of the two previous commission meetings;
5 therefore, you have before you these minutes as amended for
6 approval.

7 First, the minutes of the August 21st, 2000, have been
8 amended because those minutes were inadvertently dated
9 August 22nd, 2000. That would be the only change to that
10 document.

11 MR. VOWELS: You know, I wondered about that then, but
12 I didn't think you guys would --

13 MR. THAR: Move it towards you. Pull it down so you
14 can speak into it.

15 (Ms. Chelf adjusts the microphone.)

16 MR. VOWELS: Actually I didn't wonder at all. I didn't
17 notice it at all.

18 Okay. And there is another where there was an error
19 also?

20 MS. CHELF: Yes. The minutes for the September 18th,
21 2000, meeting has been amended also to correct a mistake in
22 the date of the August 21st, 2000, meeting. Additionally,
23 we realized that the September 18th, 2000, minutes did not
24 specifically mention the resolution that the commission
25 approved with respect to the Boyd settlement for failure to

1 list the consulting agreement with Field Street. Additions
2 to the September 18th, 2000, meeting were made on pages 6
3 and 7. So if the commission could approve those changes.

4 MR. VOWELS: Any questions then for Ms. Chelf? Then in
5 front of us we have the amended meeting minutes of August
6 21, 2000, and September 18th, 2000. I guess we'll just take
7 them together. Is there a motion in reference to approving
8 the amended meeting minutes?

9 MR. MILCAREK: So moved.

10 MR. VOWELS: Is there a second?

11 MR. CARLTON: Second.

12 MR. VOWELS: All right. We have a motion, and I think
13 we have a second. Is there any further discussion? All
14 those in favor say "aye."

15 (Ayes -- all. Nays -- none.)

16 MR. VOWELS: We'll show that the minutes are amended as
17 requested.

18 The agenda tells me that Mrs. Brodnan is up next with
19 New Business.

20 Thank you, Ms. Chelf. Now, you're there on the final
21 approval of the rules, are you not, Ms. Chelf?

22 MS. CHELF: Yes.

23 MR. VOWELS: Is that right? Okay.

24 MS. CHELF: You have before you Resolution 2001-23.
25 This resolution would adopt as final Rule Document 01-23 --

1 MR. VOWELS: I'm sorry. Is it 27? Rule 27?
2 Resolution 27?

3 MS. BOCHNOWSKI: 27.

4 MR. VOWELS: You said 23. Did you mean 27?

5 MS. CHELF: 27. I'm sorry.

6 MR. DARKO: You've got us reading this stuff. Now
7 we're paying attention.

8 MS. CHELF: Resolution 2001-27 would adopt as final
9 Rule Document 01-23. This document contains various new
10 rules and amendments to existing rules. These rules were
11 published as proposed rules in "The Indiana Register" on
12 June 1st, 2001. We held a public hearing to consider these
13 rules and amendments on June 26th, 2001. We received no
14 oral public comment regarding this rule document. One set
15 of written comments was received. Those were considered by
16 the commission staff, and no substantive changes were made
17 to the rules in the proposed version.

18 If the commission adopts this resolution, the rule will
19 be forwarded to the attorney general's office and the
20 governor's office for review and signature.

21 Are there any questions?

22 MR. VOWELS: Any questions of Ms. Chelf?

23 Okay. In front of us then is Resolution 2001-27. Is
24 there a motion in reference to this resolution?

25 MR. MILCAREK: So moved.

1 MS. BOCHNOWSKI: Second.

2 MR. VOWELS: Mr. Milcarek moves and Commissioner
3 Bochnowski seconded. Is there any further discussion? All
4 those in favor say "aye."

5 (Ayes -- all. Nays -- none.)

6 MR. VOWELS: We'll show that Resolution 2001-27 is
7 approved.

8 And thank you, Ms. Chelf. We'll be talking to you here
9 again in a little bit.

10 And the next matter on the agenda are the occupational
11 license matters. Susan Brodnan.

12 MS. BRODNAN: You have before you for approval
13 commission staff action revoking the temporary occupational
14 license and denying a permanent license for Mr. Joseph
15 Pujoe. Mr. Pujoe began working as a security officer for
16 Blue Chip Casino in May 2000, where he worked until
17 September 2000. Mr. Pujoe began working as a cage cashier
18 for Harrah's. Harrah's personnel and commission agents
19 gathered evidence that on or about May 12, 2001, Mr. Pujoe
20 committed theft against Harrah's. Specifically, while
21 engaged in his duties as a cage cashier, Mr. Pujoe took \$576
22 in cash and \$961 in vouchers and personal checks from his
23 drawer. Mr. Pujoe admitted that he intentionally took the
24 \$576 in cash, but unintentionally took the remaining \$961.
25 The casino terminated his employment because of this

1 incident.

2 The commission staff revoked Mr. Pujoe's temporary
3 occupational license and denied his application for a
4 permanent license due to these facts.

5 The commission will need to vote to uphold or overrule
6 the revocation of the temporary license and denial of the
7 permanent license. The commission staff recommends that the
8 commission uphold the revocation and denial. If the
9 commission does uphold the staff's action, Mr. Pujoe will
10 have the opportunity to appeal the matter to an
11 administrative law judge.

12 MR. VOWELS: All right. Thank you. We'll take these
13 individually. We have this commission action regarding Mr.
14 Pujoe. Is there a motion to deny or approve the application
15 for an occupational license submitted by Mr. Pujoe?

16 DR. ROSS: Move to approve.

17 MS. BOCHNOWSKI: We want to approve the action of the
18 commission staff; right?

19 MR. VOWELS: Well, if you'll look at the blanks down
20 there at the bottom.

21 MS. BOCHNOWSKI: Oh.

22 MR. VOWELS: I'm just reading it verbatim there. Let
23 me rephrase it or let me restate it again that the -- is
24 there a motion to deny or approve the application for an
25 occupational license submitted by Mr. Pujoe?

1 DR. ROSS: Move to approve.

2 MS. BOCHNOWSKI: Okay. So you want to deny the
3 license?

4 DR. ROSS: Approve the position of the staff.

5 MR. VOWELS: Care to weigh in, Mr. Thar?

6 MR. THAR: Yes. On this particular one, if you do not
7 want Mr. Pujoe to have a license, then we deny the
8 application for an occupational license submitted by him.
9 If you want him to continue to have a license, then we
10 approve the application for the occupational license.

11 Is that correct, Ms. Brodnan?

12 MS. BRODNAN: Yes.

13 DR. ROSS: I move to deny.

14 MR. VOWELS: All right. So Dr. Ross, Commissioner
15 Ross, moves then to deny the application. Is there a
16 second?

17 MR. CARLTON: Second.

18 MR. VOWELS: Is there any further discussion?

19 MR. MILCAREK: I was just wondering, Ms. Brodnan, in
20 his statements he admitted taking part of it but not the
21 other. It doesn't seem like it has anything to do with it.
22 I did find that interesting that he admits to the five
23 seventy-six but not the nine sixty-one. It's still -- I
24 just find that an interesting point.

25 MR. VOWELS: Maybe he has \$576 to pay back and not the

1 other \$960.

2 Any further discussion? All those in favor say "aye."

3 (Ayes -- all. Nays -- none.)

4 MR. VOWELS: We'll show that the application is
5 denied.

6 Ms. Brodnan.

7 MS. BRODNAN: You have before you for approval
8 commission staff action revoking the temporary occupational
9 license and denying a permanent license to Mr. Ernest
10 Schultise.

11 Mr. Schultise began working as a count room attendant
12 for Caesars Indiana in December 1998. In April 1999, he was
13 promoted to the position of bar back. Caesars' security and
14 commission agents gathered evidence that on or about May
15 27th, 2001, Mr. Schultise committed theft. Specifically,
16 Mr. Schultise admitted that while on duty as a bar back, he
17 took a bucket of tokens that had been left unattended by a
18 patron. Mr. Schultise indicated that the tokens were wet
19 and that he intended to lay them out to dry before turning
20 them into security. However, Mr. Schultise did not notify
21 security that he was in possession of the tokens, as is
22 required by company policy. The casino terminated his
23 employment because of this incident.

24 The commission staff revoked Mr. Schultise's temporary
25 occupational license and denied his application for a

1 permanent license due to these facts.

2 The commission will need to vote to uphold or overrule
3 the revocation and denial. The commission staff recommends
4 that the commission uphold the revocation and denial. If
5 the commission upholds the staff's action, Mr. Schultise
6 will have the opportunity to appeal the matter to an
7 administrative law judge.

8 MR. VOWELS: Same language in reference to this, to
9 either deny or approve the application submitted by Mr.
10 Schultise. Is there a motion?

11 MS. BOCHNOWSKI: I move to deny his application and
12 uphold your action, just to make it all clear.

13 MR. VOWELS: Is there a second?

14 MR. DARKO: Second.

15 MR. VOWELS: Any further discussion? All those in
16 favor say "aye."

17 (Ayes -- all. Nays -- none.)

18 MR. VOWELS: The application is denied.

19 MR. THAR: Susan, you're not coming through the mike.

20 MS. BRODNAN: Is that better?

21 MR. THAR: Is it on?

22 (Ms. Brodnan turns the microphone on.)

23 MS. BRODNAN: Is that better?

24 MR. THAR: Move it over right there. They can't hear
25 you with it that far, not good enough.

1 MR. VOWELS: Your turn.

2 MS. BRODNAN: Okay. Ready?

3 You have before you for approval commission staff
4 action revoking the temporary occupational license and deny
5 the permanent license of Mr. Leroy Jackson. Mr. Jackson
6 worked in impressment at Blue Chip Casino from April 8th,
7 '98, to April 30th '98. He then began working as a dealer
8 at Horseshoe Casino from October 27th, 1999, to March 6th,
9 2000. Mr. Jackson then began working as a dealer at Trump
10 Casino on April 18th, 2000. Trump personnel and commission
11 agents gathered evidence that during the performance of his
12 duties as a blackjack dealer, Mr. Jackson violated dealing
13 peeking procedures.

14 On or about June 2nd, 2001, Mr. Jackson was confronted
15 about these violations where he admitted that when he was
16 dealt an ace as a hole card he would automatically check to
17 see if he had a blackjack. If he did have a blackjack, he
18 would encourage patrons to place an insurance bet on the
19 hand. If he did not have a blackjack, he would continue to
20 deal and not offer insurance bets to the patrons at all.
21 Mr. Jackson indicated that he did this for personal gain in
22 an effort to receive greater tips from the patrons. The
23 casino terminated his employment on June 14th, 2001, because
24 of these violations.

25 The commission staff revoked Mr. Jackson's temporary

1 license and denied his application for a permanent license
2 due to these facts. The commission will need to vote to
3 uphold or overrule the revocation and denial. The
4 commission staff recommends that the commission uphold the
5 revocation and the denial of the license. If the commission
6 upholds the action, Mr. Jackson will have the opportunity to
7 appeal to an administrative law judge.

8 MR. VOWELS: Is there a motion to deny or approve Mr.
9 Jackson's application for an occupational license?

10 MR. CARLTON: Move to uphold the revocation and denial.

11 MR. VOWELS: Is there a second?

12 MR. MILCAREK: Second.

13 MR. VOWELS: Any further discussion? All those in
14 favor say "aye."

15 (Ayes -- all. Nays -- none.)

16 MR. VOWELS: We'll show that the application is
17 denied.

18 Next.

19 MS. BRODNAN: You have before you for approval
20 commission staff action revoking the temporary occupational
21 license and denying the permanent license of Ms. Tora
22 Smith. On or about March 13th, 2001, Ms. Smith received an
23 occupational license to work as a cage cashier at Horseshoe
24 Casino. Horseshoe security and commission agents gathered
25 evidence that on or about July 16th, 2001, Ms. Smith

1 committed theft against Horseshoe in the amount of \$2,500.
2 Specifically, Ms. Smith admitted that while on duty as a
3 cage cashier, she took \$2,500 from her cage drawer. The
4 casino terminated her employment because of this incident.

5 The commission staff revoked Ms. Smith's temporary
6 occupational license and denied her application for a
7 permanent license due to these facts. The commission will
8 again need to vote to uphold or overrule the revocation and
9 denial of the permanent license. The commission staff
10 recommends that the commission uphold the revocation and
11 denial. If the commission does uphold the staff's action,
12 Ms. Smith will have the opportunity to appeal to an
13 administrative law judge.

14 MR. VOWELS: Is there a motion to deny or approve Ms.
15 Smith's application for an occupational license?

16 MR. DARKO: Move to deny the application.

17 MR. VOWELS: Is there a second?

18 MS. BOCHNOWSKI: Second.

19 MR. VOWELS: Further discussion? All those in favor of
20 the motion say "aye."

21 (Ayes -- all. Nays -- none.)

22 MR. VOWELS: We'll show that the application for an
23 occupational license for Ms. Smith is denied.

24 MS. BRODNAN: You have before you for approval
25 commission staff action revoking the temporary occupational

1 license and denying the permanent license of Ms. Euphemia
2 Shaw. Ms. Shaw began working as a cage cashier for Harrah's
3 Casino in August 2000, where she worked until March 2001.
4 In April 2001, Ms. Shaw began working as a cage cashier for
5 Majestic Star Casino. Majestic Star security and commission
6 agents gathered evidence that on or about July 28th, 2001,
7 Ms. Shaw committed theft against Majestic Star in the amount
8 of \$599. Specifically, Ms. Shaw admitted that while on duty
9 as a cage cashier she took \$599 from her cage drawer. The
10 casino terminated her employment because of this incident.

11 The commission staff revoked her temporary occupational
12 license and denied her application for permanent license due
13 to these facts. The commission will need to vote to uphold
14 or overrule the revocation and denial. The commission staff
15 recommends that the commission uphold the revocation and
16 denial of the application. If the commission upholds the
17 staff's action, Ms. Shaw will have the opportunity to appeal
18 to an administrative law judge.

19 MR. VOWELS: And then in reference to -- is there a
20 motion in reference to denying or approving Ms. Shaw's
21 application for an occupational license?

22 MS. BOCHNOWSKI: Yes. I move to deny her application
23 for an occupational license.

24 MR. VOWELS: Is there a second?

25 MR. CARLTON: Second.

1 MR. VOWELS: Any further discussion? All those in
2 favor of the motion say "aye."

3 (Ayes -- all. Nays -- none.)

4 MR. VOWELS: So the application is denied.

5 Okay. I think, Ms. Chelf, you have the next.

6 MS. CHELF: Yes. Mr. Kondo Rancifer held a temporary
7 occupational license and worked for Empress Casino, which is
8 now Horseshoe Casino, as a dealer between May 19th, 1999,
9 and June 20th, 2001. Mr. Rancifer previously worked for
10 Trump Casino and Harrah's Casino. Mr. Rancifer was fired
11 for violating dealing procedures by adding to patrons bets,
12 placing bets for patrons using the casino's chips, and
13 paying out chips to patrons when they had not placed bets.
14 Mr. Rancifer admitted to committing these actions, for which
15 he has been charged with theft.

16 The commission staff revoked Mr. Rancifer's temporary
17 occupational license and denied his application for a
18 permanent license due to the facts of the actions that he
19 committed.

20 The commission will need to vote to uphold or overrule
21 the revocation of the temporary license and the denial of
22 his application for a permanent license. The commission
23 staff recommends that the commission uphold the revocation
24 and denial. If the commission upholds the staff's action,
25 Mr. Rancifer will have the opportunity to appeal the matter

1 to an administrative law judge.

2 MR. VOWELS: Is there a motion to deny or approve the
3 application of Mr. Rancifer for an occupational license?

4 MR. MILCAREK: I'll make a motion to deny.

5 MR. VOWELS: Is there a second?

6 MR. CARLTON: Second.

7 MR. VOWELS: Any further discussion? All those in
8 favor of the motion to deny the application say "aye."

9 (Ayes -- all. Nays -- none.)

10 MR. VOWELS: We will show the denial of the
11 application. Thank you.

12 MS. CHELF: Next, Mr. Kevin Martini held a temporary
13 occupational license to work for Grand Victoria. His
14 license was revoked when the commission discovered an April
15 6th, 2000, conviction for a class D felony for driving under
16 the influence. Mr. Martini filed a request for a felony
17 waiver, which the commission denied due to his statutory
18 ineligibility. Mr. Martini appealed the denial to an
19 administrative law judge, Mr. Bernard L. Pylitt. Mr.
20 Martini then failed to respond to an order issued by the
21 judge. The administrative law judge issued an order that
22 Mr. Martini is statutorily ineligible to receive an
23 occupational license at the present time. The ALJ
24 recommends that the appeal of the denial of occupational
25 license be dismissed and that Mr. Martini's application for

1 an occupational license be denied and that the request for
2 felony waiver pursuant to Indiana Code 4-33-8-11 be denied
3 since he is not eligible pursuant to statute until at least
4 April 6th, 2005.

5 The commission needs to vote to take action with
6 respect to the ALJ's recommendation. The commission staff
7 recommends that the commission accept the ALJ's
8 recommendation.

9 MR. VOWELS: All right. You see on the last page there
10 at the bottom a footnote that shows six different options
11 that the commission has. Is there a motion in reference to
12 one of these six options? I believe it's the staff's
13 recommendation that we accept the ALJ's recommendation,
14 which would be the Option No. 1.

15 MS. BOCHNOWSKI: I move that we accept the ALJ's
16 recommendation.

17 MR. VOWELS: Is there a second?

18 MR. DARKO: Second.

19 MR. VOWELS: Is there any further discussion? All
20 those in favor say "aye." We'll show -- I didn't hear
21 anybody. All those in favor say "aye."

22 (Ayes -- all. Nays -- none.)

23 MR. VOWELS: I just didn't want to assume. We'll show
24 that the commission accepts the ALJ's recommendation.

25 And, Ms. Chelf, one more with you?

1 MS. CHELF: Yes. On or about March 2nd, 1999, the
2 commission issued Mr. Michael Palm a permanent occupational
3 license to work for Harrah's. The commission staff
4 initiated disciplinary action against Michael Palm on or
5 about March 23rd, 2001. The subject of the disciplinary
6 action is an incident that occurred at Harrah's on October
7 6th, 1999, when Mr. Palm, while on duty as a poker
8 supervisor, sat down at a poker table at Harrah's and began
9 playing poker, allegedly at the direction of a patron. Mr.
10 Palm played between 2:25 and 3:00 o'clock a.m.

11 68 IAC 9-4-5(b) states that no employee of a riverboat
12 licensee may participate in a game conducted on that
13 riverboat, which is the subject of the license. Commission
14 agents estimate that Mr. Palm played approximately 26 hands
15 of poker, at least one of which he won. The commission
16 incident reports indicate that Mr. Palm was playing poker
17 with poker chips that had been purchased by a patron.
18 Harrah's placed Mr. Palm on suspension for two weeks pending
19 an investigation of the incident. Mr. Palm is currently
20 still working at Harrah's as a table games supervisor.

21 After the commission took disciplinary action against
22 Mr. Palm, the matter was forwarded to an ALJ, Mr. Bernard L.
23 Pylitt, for consideration. The ALJ presided over the matter
24 throughout a prehearing conference and exchange of
25 discovery. Ultimately, settlement negotiations resulted in

1 the following proposed settlement terms:

2 The commission staff and Mr. Palm have agreed that a
3 period of suspension of six months shall be imposed on Mr.
4 Palm in settlement of this action. Three months of the
5 sentence shall be suspended. The remaining three-month
6 period of suspension shall be served by Mr. Palm beginning
7 on November 1st, 2001, with the license to be reinstated on
8 February 1st, 2002. In addition, Mr. Palm agrees that
9 following the period of suspension, his license will be on a
10 probationary status for one year. Mr. Palm further agreed
11 that any further violations committed by him before the
12 conclusion of his probationary period will result in the
13 commission requiring Mr. Palm to serve the remaining
14 three-month period of suspension or a portion thereof, in
15 addition to the commission initiating any additional
16 disciplinary action against him.

17 The commission will need to vote either to accept or
18 reject the terms of the settlement agreement.

19 Mr. Greg Hahn is present for the law firm that
20 represented Mr. Palm.

21 Mr. Hahn, did you have any questions or anything to
22 add?

23 MR. HAHN: I don't have anything to add.

24 MR. VOWELS: All right. Then is there a motion to
25 approve or --

1 MR. DARKO: May I ask a question --

2 MR. VOWELS: Sorry. Go ahead.

3 MR. DARKO: -- either of Mr. Hahn or the staff? It
4 seems to be a fairly serious violation of a supervisor
5 engaging in a game for an hour or a half hour or whatever.
6 Can I ask what the mitigating factors were, if anybody
7 knows, that caused him not to lose his license forever? I
8 know there was an ALJ. But if you know the facts of it, I'd
9 be interested to know.

10 MS. CHELF: Perhaps you want me to answer it. I
11 believe that the fact that Harrah's didn't fire him for the
12 incident and felt that he was a strong employee. And during
13 the time that we were conducting interviews with witnesses,
14 many of the individuals felt that Mr. Palm was a good
15 employee otherwise and that this was a mistake that he
16 made. And I think that those contributed to the staff
17 feeling that Mr. Palm could serve his suspension and be
18 given another chance.

19 MR. DARKO: He'll lose his pay from the casino for
20 three months?

21 MS. CHELF: Yes.

22 MR. DARKO: But he can work elsewhere as long as it's
23 not in the licensed occupation area?

24 MS. CHELF: Yes.

25 MR. DARKO: Thank you.

1 MR. VOWELS: Okay. Mr. Hahn, what do you have to say?

2 MR. HAHN: Well, Mark Sullivan, in our office, actually
3 represented Mr. Palm. And it's my understanding that Mr.
4 Palm -- and correct me, Ms. Chelf. The contention was that
5 he was assisting a patron, who either was elderly or in a
6 wheelchair. I'm not sure. And so he was holding the cards
7 for the patron while he played. I think that was the
8 mitigating situation.

9 Am I right?

10 MR. THAR: That was the mitigating situation from Mr.
11 Palm's point of view.

12 MR. HAHN: Exactly. That's what I'm saying.

13 MR. DARKO: Okay. Thank you. I appreciate it.

14 MR. HAHN: My pleasure.

15 MR. THAR: If I may add, I think in the course of doing
16 discovery and some depositions, plus there was a videotape,
17 what transpired was that the patron did get up and go to the
18 restroom and come back. He was complaining of back
19 problems. The patron was deposed. He claims he was sitting
20 off to the side out of the view of the surveillance camera,
21 and Mr. Palm sat down at his place, and the patron
22 instructed him how to play each hand. Another person who
23 was not a patron but engaged in the game, along with his
24 now-wife, then-girlfriend, advised that everybody at the
25 table agreed they didn't see a problem with this. As a

1 result, the game progressed.

2 We contend, as a staff, that there cannot be table talk
3 at poker and that one person cannot tell another person how
4 to play the game. But the bottom line came down to this:
5 Everyone interviewed said that what Michael Palm did was
6 wrong, including Harrah's. Everyone interviewed also said
7 the guy's made one mistake in his life. So it shouldn't be
8 an issue of the fact that there's liability. The issue is
9 what kind of punishment should there be short of him never
10 working in the gaming industry again.

11 My thoughts were exactly the same as were the remainder
12 of the legal division's as yours, Commissioner Darko, and
13 that is, Why should this guy ever work in the casino
14 industry again? But as we progressed through the case, saw
15 how the facts came out, and saw what the mitigation was, we
16 determined that maybe this fellow is entitled to a second
17 chance, and we'll suspend his license for a period of time.
18 It will require him to get another job for financial
19 aspects. If he decides he wants to come back come February
20 1, 2002, he has a right to get his license back then. That
21 is why we entered into the settlement, and that is what we
22 put before you.

23 We interviewed Mr. Domenico, who we know is here, who
24 basically concurred that what the guy did is absolutely
25 against everybody's rules, even Harrah's internal policy.

1 By the same token, it's his first mistake; and he's
2 generally recognized by the company as well as the patrons,
3 who had a lot of input into this, the ones that we talked
4 to, that he was one fine employee aside from this one
5 error. So that's how it shapes up.

6 MR. DARKO: Thank you. I appreciate that.

7 MS. BOCHNOWSKI: I would go ahead and make a motion to
8 accept the terms of the settlement. I think, based on what
9 you said, this isn't quite the same as theft. It's bad, but
10 if he comes back, he'll have a probationary license. So if
11 he does anything else, that would be it. And I'm sure he
12 understands that.

13 MR. HAHN: He does.

14 MR. MILCAREK: May I ask one question? Is Harrah's
15 willing to take him back after the suspension?

16 MR. THAR: I have not asked that question. They
17 thought enough of him to keep him through this.

18 Mr. Domenico, do you know whether or not Harrah's would
19 rehire Mr. Palm after his suspension if he requests it?

20 MR. DOMENICO: Yes. Given his present facts, Jack, I
21 mean, he's been, you know, a good employee for us so we
22 would.

23 MR. VOWELS: So the answer is yes?

24 MR. DOMENICO: Yes.

25 MR. VOWELS: Mr. Hahn, would you tell the reporter your

1 full name please.

2 MR. HAHN: It's Gregory F. Hahn, H-a-h-n.

3 MR. VOWELS: All right. Anything further then?

4 MS. BOCHNOWSKI: I guess that was a motion I just made,
5 by the way.

6 MR. VOWELS: All right. There is a motion then to
7 approve the terms of the settlement agreement. Is there a
8 second?

9 MR. DARKO: Second.

10 MR. VOWELS: Any further discussion? All those in
11 favor say "aye."

12 (Ayes -- all. Nays -- none.)

13 MR. VOWELS: All right. And, Ms. Dean, do you have the
14 next item?

15 MS. DEAN: I do.

16 Commissioners, you have before you the appeal of John
17 Campbell, Case No. CA-FEL-00-2. On September 21st, 1998,
18 Mr. John Campbell submitted an application for a Level 2
19 occupational license to work for Caesars as a dealer. The
20 Indiana State Police conducted a background investigation of
21 Mr. Campbell and found two criminal adjudications Mr.
22 Campbell failed to disclose. Mr. Campbell's temporary
23 license was revoked on June 22nd of 2000. Mr. Campbell
24 applied for a felony waiver on July 3rd of 2000.

25 Jennifer Chelf conducted a review hearing on October

1 4th of 2000, about the findings of fact and conclusions of
2 law with the commission, recommending a denial of the felony
3 waiver. On March 2nd, 2001, the commission adopted the
4 recommendation and findings of fact and denied Mr.
5 Campbell's request for a felony waiver.

6 Mr. Campbell appealed to the administrative law judge,
7 Bernard Pylitt; and a hearing was conducted on June 22nd,
8 2001. Mr. Pylitt -- I'm sorry. Judge Pylitt has filed a
9 finding of fact and recommendations of law dated July 13th,
10 2001, with the commission. Judge Pylitt recommends that
11 John Campbell's appeal be denied, and the denial of John
12 Campbell's request for felony waiver by the commission and a
13 denial of his application for an occupational license, Level
14 2, be upheld.

15 Judge Pylitt stated in the recommendation, and I quote,
16 Campbell's continuing failure to disclose his complete
17 criminal history demonstrates that he is not suitable for
18 licensure. Campbell's callous disregard for the truth
19 undermines the integrity of the application process. His
20 failure to disclose a June 2000 arrest for an assault on his
21 wife on his request for felony waiver and after having his
22 temporary license denied less than two weeks earlier, in
23 part for failing to be truthful about his criminal history,
24 is totally unacceptable.

25 You have before you an order to accept or reject, to

1 modify or dissolve, or to remand the recommendation back to
2 the administrative law judge or to review any single issue
3 that you may have with the administrative law judge's
4 recommendation. The commission staff would recommend that
5 the commission accept the recommendation and findings of
6 fact of the administrative law judge, Bernard Pylitt.

7 MR. VOWELS: Any questions then for Ms. Dean? In front
8 of us we have this order to accept or reject the
9 recommendation of Judge Pylitt and then move forward from
10 there, if it's accepted, to deny or approve the request for
11 felony waiver. Is there a motion dealing with both of those
12 aspects? I think it can be made in one motion.

13 DR. ROSS: I move to accept the recommendation of the
14 law judge and to deny the application.

15 MS. BOCHNOWSKI: I'll second it.

16 MR. VOWELS: Any further discussion? All those in
17 favor of accepting the recommendation and denying the
18 request for a waiver say "aye."

19 (Ayes -- all. Nays -- none.)

20 MR. VOWELS: We'll show it approved.

21 And thank you, Ms. Dean.

22 Then we'll move on to the suppliers and suppliers'
23 license matters with Michelle Marsden.

24 MS. MARSDEN: Good morning. Before you is Resolution
25 2001-28 concerning the renewals of suppliers' licenses.

1 On March 30th of 2000, Bally Gaming was issued a
2 supplier's license. On August 21st of 2000, the following
3 suppliers were granted the renewal of their suppliers'
4 licenses: GEMACO Playing Card Company; Mikohn Gaming
5 Corporation; Osborne Coinage Company; Paul-Son Gaming
6 Supplies, Inc.; Atronic Americas, LLC; Kilmartin Industries,
7 Inc., d/b/a Roger Williams Mint; V.S.R. Lock, Inc.; and
8 Riverboat Services, Inc.

9 On September the 18th of 2000, Spin for Cash Wide Area
10 Progressive Joint Venture and Hornblower Marine Services
11 were issued suppliers' licenses.

12 Now the above-named supplier licensees have requested a
13 renewal of their licensures and have provided the payment of
14 a renewal fee in accordance with 68 IAC 2-2-3(c) and 68 IAC
15 2-2-8.

16 And they all remain suitable for licensure, so before
17 you is Resolution 2001-28 for the renewal of the above-named
18 suppliers.

19 MR. VOWELS: Any questions of Ms. Marsden? Then
20 Resolution 2001-28, the request for the grant of suppliers'
21 licenses, is there a motion in reference to this?

22 MR. DARKO: Move to adopt.

23 MR. VOWELS: Is there a second?

24 DR. ROSS: Second.

25 MR. VOWELS: Any further discussion? All those in

1 favor say "aye."

2 (Ayes -- all. Nays -- none.)

3 MR. VOWELS: We'll show Resolution 2001-28 is adopted.

4 Ms. Marsden, still with you.

5 MS. MARSDEN: Resolution 2001-29 is concerning the
6 request for Bud Jones Company, Inc., for a supplier's
7 license.

8 The Bud Jones Company, Inc., received a temporary
9 supplier's license in October of 1995, a permanent
10 supplier's license on August 19th of 1997, and a renewal of
11 the supplier's license on August 19th of 1998, August 20th
12 of 1999, and August 20th of 2000. On or about September the
13 22nd of 2000, the commission received a transfer of
14 ownership application from Bourgogne et Grasset due to the
15 purchase of the Bud Jones Company, Inc. By Resolution
16 2000-41 dated October the 23rd of 2000, the commission
17 granted the request for leave to withdraw the supplier's
18 license of the Bud Jones Company, Inc.

19 The background check on the Bud Jones Company, Inc.,
20 and Bourgogne et Grasset as a substantial owner has been
21 completed and the commission agreed to issue them a
22 supplier's license.

23 The Bud Jones supplier's license will be valid for a
24 period of one year. The issuance of the supplier's license
25 is conditioned upon the payment of the cost of the

1 background investigation and the payment of the \$5,000
2 license fee.

3 So before you is Resolution 2001-29 granting the Bud
4 Jones Company, Inc., a supplier's license.

5 MR. THAR: I believe Laura McAllister-Cox is present.

6 Laura, you represent the company that none of us can
7 pronounce. Can you straighten us out here?

8 MR. VOWELS: If you'll tell the reporter your full
9 name.

10 MS. McALLISTER-COX: Absolutely. Good morning,
11 Chairman, Members of the Commission, Mr. Thar. Thank you
12 for your help through this process.

13 My name is Laura McCallister-Cox. I'm an attorney with
14 a firm in Atlantic City, New Jersey. I represent Bourgoigne
15 et Grasset, B & G for short, a French chip manufacturer.
16 And my client, B & G, bought the interest in the Bud Jones
17 Company last October; hence, our application for licensure
18 of the company.

19 MR. THAR: This got a little confused because at the
20 time B & G had applied for a license themselves. There's a
21 way to read the statute that a supplier cannot have two
22 licenses. As a result, they withdrew their application for
23 a license in their own right, switched it to an application
24 for change of ownership by acquiring the Bud Jones Company
25 instead of going forward on their own. As a result, it took

1 us a little longer to do the background investigation. But
2 as indicated, we have found no problems with B & G.

3 Laura, are they owned primarily by three individuals,
4 French individuals?

5 MS. McALLISTER-COX: Well, primarily by two: Gerard
6 Charlier, who's also the president, CEO, both of the Bud
7 Jones Company and B & G. He owns approximately eleven and a
8 half percent. The substantial ownership of almost 80
9 percent of B & G is by a gentleman named Francois Carrette,
10 who is a director of B & G and an officer and director of
11 the Bud Jones Company.

12 MR. THAR: And they've all proven suitable in our
13 investigation.

14 MR. DARKO: Which one of you went to France to do the
15 investigation?

16 MR. THAR: We all did.

17 MR. DARKO: Oh, I see. I should have known.

18 MR. VOWELS: I think there's a gaming seminar in the
19 fall in Paris.

20 MS. McALLISTER-COX: Yes, there is.

21 MR. VOWELS: Once again, we don't get to go so -- we
22 don't get to go anywhere outside of the state of Indiana.

23 All right. Anything further then? Resolution 2001-29
24 concerns the request from Bud Jones Company, Inc., for a
25 supplier's license. Is there a motion?

1 MR. DARKO: Move to approve.

2 MR. VOWELS: Is there a second?

3 MR. CARLTON: Second.

4 MR. VOWELS: Any further discussion? All those in
5 favor say "aye."

6 (Ayes -- all. Nays -- none.)

7 MR. VOWELS: We'll show the Resolution 2001-29 is
8 adopted.

9 MS. McALLISTER-COX: Thank you so much.

10 MR. VOWELS: Thank you.

11 All right. And, Ms. Marsden, still with you.

12 MS. MARSDEN: Okay. Resolution 2001-30 is concerning
13 the request from PDS Financial Corporation to change the
14 name of their supplier's license. PDS Financial Corporation
15 was issued a temporary supplier's license on August the 14th
16 of 1998, by Resolution 1998-21. By a letter dated May the
17 31st of 2001, PDS Financial Corporation advised the
18 commission that the corporation has been renamed PDS Gaming
19 Corporation and requested the temporary supplier's license
20 to be reissued in the name of PDS Gaming Corporation.

21 The commission has been reassured that no change or
22 transfer of ownership interest, corporate structure, or
23 corporate officers and/or directors have occurred in the
24 renaming of the company.

25 The commission will need to grant or deny the request

1 of PDS Financial to recognize PDS Gaming Corp. as the holder
2 of the Indiana gaming -- of the Indiana temporary supplier's
3 license.

4 MR. VOWELS: Any questions then for Ms. Marsden?
5 Resolution 2001-30 requires action to grant or deny the
6 request of PDS. Is there a motion to grant or deny the
7 request?

8 MR. CARLTON: Move to grant.

9 MR. VOWELS: Is there a second?

10 MR. MILCAREK: Second.

11 MR. VOWELS: Any further discussion? All those in
12 favor say "aye."

13 (Ayes -- all. Nays -- none.)

14 MR. VOWELS: We will show it's granted.

15 And, Ms. Marsden, I think that's it.

16 MS. MARSDEN: Thank you.

17 MR. VOWELS: Thank you.

18 Next on the agenda is Ms. Dean. Is that --

19 MS. DEAN: Yes, it is. Thank you.

20 You have before you Resolution 2001-31 concerning the
21 request of Anchor Coin, Incorporated, to withdraw the
22 license of VLC, Incorporated. Anchor Coin, an Indiana
23 supplier licensee as of March 17th, 1998, acquired
24 Powerhouse Technologies, the parent company of VLC, formerly
25 known as Video Lottery Consultants in June of 1999 through

1 the parent company of Anchor Coin, which is Anchor Gaming.
2 VLC also holds an Indiana supplier's license beginning
3 September 14th of 1999.

4 By letter dated March 24th, 2001, Anchor Gaming
5 requested the commission allow Anchor Coin to distribute the
6 VLC product line through Anchor Coin and to withdraw the
7 Indiana supplier's license held by VLC.

8 The commission staff requested the commission adopt the
9 Resolution 2001-31 with the following conditions: One, to
10 provide to the commission a diagram of the ownership
11 structure of Anchor Gaming -- Anchor Coin doing business as
12 Anchor Gaming, Powerhouse Technologies, and VLC prior to and
13 following the acquisition of Powerhouse Technologies by
14 Anchor Gaming; two, to provide to the commission a list of
15 key persons illustrating any changes of Anchor Gaming,
16 Anchor Coin, Anchor Game, Powerhouse Technologies, and VLC
17 prior to and subsequent to the acquisition date; and then
18 finally to provide the commission a list of all 1 percent or
19 greater ownership in Anchor Gaming, Anchor Coin, Anchor
20 Game, and VLC subsequent to the acquisition of Powerhouse
21 Technologies by Anchor Game in the approval of the
22 withdrawal of the supplier's license held in the name of
23 VLC, Inc.

24 MR. VOWELS: Any questions then for Ms. Dean? Then in
25 front of us we have Resolution 2001-31 concerning the

1 request to withdraw the license of VLC. Is there a motion
2 to grant or deny the request?

3 DR. ROSS: I'll make the motion to grant.

4 MR. VOWELS: Is there a second?

5 MR. CARLTON: Second.

6 MR. VOWELS: Any further discussion? All those in
7 favor say "aye."

8 (Ayes -- all. Nays -- none.)

9 MR. VOWELS: We'll show that it's granted.

10 Thank you, Ms. Dean.

11 MS. DEAN: Thank you.

12 MR. VOWELS: Back to Ms. Chelf.

13 MS. CHELF: Lodging and Gaming Systems received a
14 temporary supplier's license on May 20th, 1996, and a
15 permanent license on March 17th, 1998. On February 16th,
16 2000 [sic], in preparation for the March commission meeting,
17 the commission staff sent a letter to Bob Rule at LGS. This
18 letter informed LGS that its supplier's license was due for
19 renewal in mid-March of 2001. The letter informed LGS that
20 the renewal of the supplier's license would be made
21 contingent on the commission's receipt of the following
22 items by March 26th, 2001: A completed supplier's annual
23 renewal request, unpaid background investigation fees, 2001
24 renewal fees, and additional documents that were requested
25 by the commission staff. As of today, the commission has

1 not received these documents or a payment from Lodging and
2 Gaming Systems.

3 The commission has the authority to refuse to renew
4 Lodging and Gaming Systems' supplier's license. If the
5 commission -- and I have attached a notice of nonrenewal,
6 which was sent to LGS a couple weeks ago, so they're aware
7 of that. And that's before you today for approval. If the
8 commission approves the attached notice of nonrenewal,
9 Lodging and Gaming Systems will have the opportunity to
10 appeal the matter to an administrative law judge.

11 MR. VOWELS: All right then. Are there any questions
12 for Ms. Chelf? In front of us then is the order of
13 nonrenewal of license for Lodging and Gaming Systems,
14 2001-LGS-1. It requires us to either approve or disapprove
15 the notice of nonrenewal. Is there a motion?

16 MR. DARKO: I move to approve the notice of nonrenewal.

17 MR. VOWELS: Is there a second?

18 MS. BOCHNOWSKI: Second.

19 MR. VOWELS: Is there any further discussion?

20 MR. MILCAREK: I would like to inquire, is it a
21 practice to investigate or start an investigation which
22 costs \$4,000 before the request is submitted? Are we going
23 to continue to get into something like this, or is this just
24 an isolated thing or what happened? How do we get the money
25 from these guys?

1 MR. THAR: What generally happens when somebody makes
2 an application to supply, they have to submit \$5,000 as
3 advance money toward the cost of the investigation.
4 Generally speaking, we then run the investigation, and then
5 at the conclusion of it bill them. There may have been a
6 reinvestigation. I don't have the charge in front of me.
7 In certain aspects of those, yes, we did not require an
8 up-front payment. But LGS has had their license for so
9 long, we should have collected the initial amount for the
10 background investigation some time ago. They did not submit
11 that and that's where we are.

12 It is an isolated incident. It's not a singular
13 incident. It has happened. In other situations, the
14 companies have paid. But generally we get \$5,000 up front.
15 We are now restructuring our billing process so that we bill
16 more frequently as we go along rather than bill at the end.

17 MR. MILCAREK: Thank you.

18 MR. VOWELS: So you keep a retainer on hand at the
19 beginning of that or something?

20 MR. THAR: Well, the \$5,000 goes fairly quickly if you
21 have to travel to Las Vegas or Atlantic City or something
22 like that. So what we had not done in the past, but we're
23 now getting some software that will help us, is to stay
24 current because we had unfortunately billed a certain
25 company in excess of \$40,000 for a remainder of the fee; and

1 they were, of course, rather concerned why they hadn't been
2 notified about this. So we are tightening up our billing
3 procedures so that we stay current and certainly don't get
4 any worse off than \$4,000.

5 MR. VOWELS: All right. There was a motion and a
6 second in reference to that. All those in favor say "aye."

7 (Ayes -- all. Nays -- none.)

8 MR. VOWELS: It's approved.

9 Thank you, Ms. Chelf.

10 Ms. Dean, back to you on the bond reduction for
11 Caesars.

12 MS. DEAN: Yes. Thank you.

13 You have before you a request from RDI/Caesars
14 Riverboat Casino, LLC, for the commission action to reduce
15 the surety bond posted by Caesars. By Resolution 1998-27
16 dated September 14th, 1998, Caesars was required to post a
17 bond in the amount of \$35 million to ensure performance of
18 various obligations. Caesars sought and the commission
19 approved the reduction of \$4.1 million with a current bond
20 in the amount of \$30.9 million. At this time Caesars
21 requests the commission allow a reduction in the posted bond
22 in the amount of \$25.9 million for a remaining bond of \$5
23 million.

24 Caesars has broken those amounts down as follows: \$12
25 million to construct a 500-room hotel; \$4.1 million to

1 secure the construction of additional hotel rooms and
2 parking spaces in lieu of the gondola system; \$6 million to
3 complete construction of a land-based pavilion; \$2.6 million
4 to construct a water supply, storage, and treatment facility
5 for the town of Elizabeth to provide water services to the
6 casino; \$2.2 million for emergency services; \$2 million to
7 secure the construction of an 18-hole golf course; and \$2
8 million as a residual amount that is required by the Indiana
9 Gaming Commission.

10 You have before you Counsel Ron Gifford. If there are
11 any questions you would like to ask of either myself or to
12 Mr. Gifford and -- I'm sorry -- Mr. Joyce.

13 MR. GIFFORD: Good morning.

14 MR. VOWELS: Good morning. Are there any questions for
15 Ms. Dean, Mr. Joyce, or Mr. Gifford?

16 Anything you'd like to add?

17 MR. GIFFORD: We appreciate your consideration. Most
18 of the -- you can't ask a lawyer that question and get no
19 response.

20 MR. VOWELS: I know.

21 MR. GIFFORD: Most of the amounts that are currently
22 under the bond are related to the hotel and to the
23 land-based pavilion and related aspects of that, such as the
24 utilities. The hotel opens to the public next Monday. The
25 grand opening is next Wednesday. It took the maiden cruise

1 last night -- is that right, Bill? -- with the employees
2 staying over and running the staff and the hotel and the
3 facility through their paces and the like. And I hope you
4 all can come down, if not for the grand opening, to visit
5 some other time.

6 Now that that's completed, the pavilion -- \$6 million
7 of the bond was for the pavilion, that was completed last
8 fall, related utilities and the like. Our new parking
9 structure opens in a week or so. It provides about 4,600
10 parking spaces now at the site between the two parking
11 garages we have.

12 MR. VOWELS: Thank you.

13 Any questions? All right. In front of us is the
14 request to reduce the surety bond. Is there a motion in
15 reference to that request?

16 MS. BOCHNOWSKI: I would move to approve it, assuming
17 that, Jack, you have indicated that the staff has been
18 through all of it and everything they're saying you agree
19 with?

20 MR. THAR: That's correct. We toured the hotel two to
21 three months ago. They had their target dates. In fact,
22 they moved them up a little bit earlier than what they had
23 anticipated.

24 MR. GIFFORD: That's correct.

25 MR. THAR: The pavilion is completed. The hotel is

1 ready to open, as is the parking garage. They are there.
2 We recommend -- we agree with the proposition that Caesars
3 takes with regard to the bond reduction.

4 MS. BOCHNOWSKI: Then I will make the motion to approve
5 the reduction.

6 MR. VOWELS: Is there a second?

7 MR. CARLTON: Second.

8 MR. VOWELS: Any further discussion? All those in
9 favor say "aye."

10 (Ayes -- all. Nays -- none.)

11 MR. VOWELS: We'll show that it's approved.

12 There was a matter on the business meeting agenda in
13 reference to Boyd, but that's been withdrawn from the
14 agenda. Is that correct?

15 MR. THAR: That's correct.

16 MR. VOWELS: Okay. Thank you, Ms. Dean.

17 It looks like the next matter on the agenda is
18 financing, Mr. Thar?

19 MR. THAR: Yes. If you gentlemen don't mind staying,
20 we'll save you the walk. The first one that we have is with
21 regard to Harrah's. Ms. Fleming.

22 MS. FLEMING: Good morning. Josh Hirsberg with
23 Harrah's is also here. His name is H-i-r-s-b-e-r-g.

24 MR. THAR: Mr. Hirsberg, when she worked for the
25 commission, she spoke for me also.

1 By letter dated June 6, 2001, Harrah's requested a
2 waiver by the executive director under the pertinent rule.
3 Financing approval requirements set forth in 68 IAC 5-3 with
4 respect to a Rule 144A interim offering and subsequent
5 approval by the commission of the registered public offering
6 of senior subordinated notes in the amount of \$500 million
7 at an interest rate of 7.125 or seven and an eighth percent
8 for a term of six years. I granted that waiver under 68 IAC
9 5-3-6 with the condition that the final financing approval
10 requirements would be put before the commission before the
11 private placement to the public.

12 I would now turn to Ms. Fleming and Mr. Hirshberg --

13 MR. HIRSBERG: Hirsberg.

14 MR. THAR: Hirsberg -- for anything you'd like to add
15 or anything further you'd like the commission to know
16 concerning this financing.

17 MR. HIRSBERG: No, sir. There's nothing else I'd like
18 to add.

19 MR. THAR: It's my understanding that the issue of the
20 proceeds is to refinance existing debt.

21 MR. HIRSBERG: That's exactly right. Existing debt
22 will not increase as a matter of this action. And the debt
23 is an unsecured piece of debt and does not encumber the
24 license in Indiana in any way.

25 MR. THAR: It just happened that when we originally met

1 with the chief financial officer of Harrah's, they weren't
2 gonna go quite this high, and they weren't sure what
3 direction they were gonna take. They asked for some
4 flexibility. It ended up they wanted the \$500 million
5 because the interest rate was --

6 MR. HIRSBERG: Very attractive.

7 MR. THAR: -- very attractive for unsecured senior
8 subordinated notes. So anyway this is now before the
9 commission.

10 MR. VOWELS: Any questions?

11 MS. BOCHNOWSKI: No. I'm sure if interest rates keep
12 going down, we're going to see more of this. It improves
13 the bottom lines, which all makes sense.

14 MR. THAR: We will. We have seen quite a bit of it and
15 particularly with regard to the larger companies. They're
16 not increasing debt, but they're refinancing at more
17 advantageous rates. Based upon the input I've been having
18 from the commission, I don't see them to be objecting to the
19 waivers. So if it's done here, maybe as soon as we finish
20 we can discuss that for a moment.

21 MR. VOWELS: Anything further? Resolution 2001-32
22 concerns financing by Harrah's. It's in two parts. The
23 first part is the request for waiver. That's either to be
24 approved or disapproved. If approved, then the request for
25 the approval of Harrah's \$500 million six-year notes,

1 approval or disapproval of that. And we can take that
2 altogether. Is there a motion to approve or disapprove the
3 waiver, then approve or disapprove the notes?

4 MS. BOCHNOWSKI: I would move we approve it.

5 MR. VOWELS: Is there a second?

6 MR. DARKO: Second.

7 MR. VOWELS: Any further discussion? All those in
8 favor say "aye."

9 (Ayes -- all. Nays -- none.)

10 MR. VOWELS: Show that the request for waiver is
11 approved and the request is approved for --

12 MS. FLEMING: Financing.

13 MR. VOWELS: Thank you.

14 Mr. Thar, financing by Park Place.

15 MR. THAR: With regard to Park Place, the parent
16 company of Caesars/RDI here in Indiana. And I'll ask Mr.
17 Gifford and Mr. Joyce to just stay put.

18 If you will notice in the Harrah's request, that
19 request was by letter of June 6th of 2001. Park Place
20 requested it by letter of August 14th of 2001. It's kind of
21 like getting homework in a class you've already had as the
22 meeting was coming up.

23 In any event, they requested that I waive the
24 requirements of financial -- financial approval requirements
25 set forth in 68 IAC 5-3 with respect to another Rule 144A

1 interim offer and subsequent approval based upon --
2 subsequent approval by the commission of the registered
3 public offering of senior notes in the amount of \$425
4 million at an interest rate of 7.5 percent with a due date
5 of 2009.

6 I granted that waiver and they are here today asking
7 for approval of the commission of that action and also for
8 approval to go ahead with the registering of the public
9 offering of those notes.

10 Mr. Gifford and Mr. Joyce, would you describe to the
11 commission the use of the proceeds and anything else you'd
12 like to add.

13 MR. GIFFORD: Thank you. The use of the proceeds in
14 this case again is to pay down existing debt under the
15 current 364-day revolving credit facility and the multi-year
16 revolver credit -- the multi-year credit facility. So it is
17 the replacement of existing debt. It is not an increase in
18 the total debt load. And, again, the purpose for that is
19 the ability to lock in more favorable long-term rates.

20 MR. VOWELS: Essentially these things are just
21 refinancing?

22 MR. GIFFORD: That's right.

23 MR. VOWELS: Then registering --

24 MR. GIFFORD: That's right. And one of the issues that
25 comes up from the company's perspective that Mr. Thar

1 alluded to is that the market fluctuates, and windows of
2 opportunity open up with favorable interest rates. And
3 under the commission's rules obviously, and I think anything
4 over a million dollars needs either a waiver and/or approval
5 by the commission. We don't -- in light of -- with
6 knowledge of what the commission's agenda was for this
7 meeting, we didn't relish making the phone call to Mr. Thar
8 the beginning of last week saying, By the way, is it
9 possible for us to do this? But when the market conditions
10 are like that for the large companies like Park Place or
11 Harrah's or the like, we need to do that. And that puts a
12 little bit of strain on the process. Other jurisdictions
13 have different ways of approaching that, and this isn't the
14 time or place for us to get into that, but maybe something
15 we want to talk about further, have some conversation about
16 that, talk about it further how the commission might address
17 that on a forward ongoing basis.

18 MS. BOCHNOWSKI: There might be a way we can deal with
19 when a company is not increasing their debt, they're just
20 changing from one interest rate to another. If they're not
21 increasing the debt.

22 MR. VOWELS: How do you lock it in while this is being
23 determined or do you?

24 MR. GIFFORD: How do you lock in?

25 MR. VOWELS: Are you able to lock into a particular

1 interest rate while this is pending?

2 MR. GIFFORD: Well, what the companies tentatively --
3 such as in the case of Park Place, we talked with the staff
4 and in this circumstance we get a waiver. We talk with the
5 staff. We say, This is the range up to our -- our initial
6 request was up to \$500 million. We talk about an interest
7 rate range "up to" and "no higher than." And then that
8 gives the company flexibility. In this case it came in
9 slightly lower on the amount and lower on the interest rate.

10 MR. THAR: What happens -- correct me if I'm wrong --
11 the -- once they know that I will give the waiver, their
12 investment banks go out and they price the loan. Until it's
13 priced, they don't know exactly what the interest rate is
14 going to be nor do they know exactly how much will be
15 acquired. They have an idea, but it's -- while maybe 95
16 percent sure, it's not sure until everything -- the book is
17 made.

18 MR. GIFFORD: Right. That's correct.

19 MR. VOWELS: I guess just frankly speaking where are
20 you at in this now? I mean, has it already been done? Are
21 you waiting for our approval to go out and actually do it?

22 MR. GIFFORD: Well, the interest rates are locked in.
23 The proper placement -- by virtue of receiving the waiver of
24 the approval requirements, the proper placement with the
25 institution investigators has occurred. The offering

1 memorandum has been finalized and that is ongoing. The
2 registered public offering of the notes will occur down the
3 road. That's the specific piece that the commission is
4 approving today. So by virtue of -- you know, 144A
5 financing, where you have first and private placement and
6 then the subsequent public offering, getting the waiver from
7 the executive director at the front end and then having time
8 to come to the commission for approval of the public
9 offering works. Other kinds of debt financing where it
10 would be essentially a one-stop transaction or a one-step
11 transaction is a bit more problematic from a time
12 perspective.

13 MR. VOWELS: Okay. Any further questions? In front of
14 us then is Resolution 2001-33, which again is in two parts,
15 to approve or disapprove the waiver request and then the
16 request for the notes. Is there a motion pertaining to
17 those two parts?

18 MR. MILCAREK: I make a motion to approve the request
19 and the waiver and move for the second one.

20 MR. VOWELS: All right. Is there a second?

21 MR. CARLTON: Second.

22 MR. VOWELS: Any further discussion? All those in
23 favor say "aye."

24 (Ayes -- all. Nays -- none.)

25 MR. VOWELS: We will show that the request for waiver

1 is approved and the notes are approved. Thank you.

2 MR. THAR: Can we discuss this financing issue just for
3 a moment?

4 I tried to contact certainly the chairman, and then I
5 tried to contact Bob Swan, because I kind of look at him as
6 our CPA. And of course it was just off-the-cuff commission
7 impression. Bob is now resigning so he'll be available for
8 a little bit longer to contact. The issue still comes up as
9 to what extent is the commission comfortable with the
10 executive director waiving the two-meeting rule, giving a
11 tentative approval subject to later commission ratification
12 of some of this financing. I think Commissioner Bochnowski
13 has practically looked at one aspect that we looked at as a
14 staff; and that is: It's much easier for us to agree to
15 waive when what they're doing is taking advantage of good
16 market conditions to simply refinance existing debt.

17 If the commission does not mind and wishes to indicate
18 so on the minutes, we will continue to favorably view that
19 type of refinancing for waiver purposes when it is to redo
20 existing debt at better terms, if the commission so
21 indicates, subject to then bringing the matter back to the
22 commission. Is there a feel for this?

23 MS. BOCHNOWSKI: Yeah. You know, I mean, as you can
24 see, it's pretty much -- our approval is almost routine
25 after you've looked at it. And it's not really any more

1 than just exchanging one rate for another on the same amount
2 of debt. So it's not as though we're looking at a company
3 taking on additional debt and possibly putting themselves at
4 risk financially. So, you know, to me this is fairly
5 routine.

6 MR. MILCAREK: It's really beneficial.

7 MS. BOCHNOWSKI: That's right. I mean, it's really
8 beneficial to their bottom line. So I don't have a -- my
9 feeling is I don't have a problem with it, expediting that
10 so they can do better. It's in the state's interest to have
11 those companies get favorable interest rates.

12 MR. THAR: It gives the investors and the companies a
13 little bit more security if they feel that, aside from
14 exercising the statute and the authority given under our
15 rules, that the commission has at one point or another put
16 in the minutes that when it's this type of an activity they
17 really don't see a problem, subject to reviewing each on a
18 case-by-case basis.

19 MS. BOCHNOWSKI: Right.

20 MR. DARKO: Jack, as part of your review, do you look
21 at the identity of the new lender, who they are, what their
22 connections are, etc.?

23 MR. THAR: Generally no, because they're all gonna be
24 institutional investors. In 144A, they have to qualify in
25 order to participate. So you're basically looking at large

1 banks.

2 MR. DARKO: I see.

3 MR. THAR: It's not -- when you say individual
4 investors, it's not like Jack Thar's putting in 300 bucks,
5 and somebody else --

6 MR. DARKO: No. I was thinking more about the
7 Teamsters' Pension Fund or something like that that would
8 have assets available.

9 MR. THAR: What will happen then is that when they
10 register publicly, then it's subject to SEC scrutiny.

11 MR. DARKO: Thank you.

12 MR. VOWELS: The procedure in the past has been that
13 they've brought this to you, and you have dealt with it
14 rather than the staff in particular.

15 MR. THAR: Well, no. Really Ms. Dean is.

16 MR. VOWELS: Okay. Ah-ha.

17 MR. THAR: She's the one that gets buried under this
18 four or five inches of boring reading. She's gotten very
19 good at it, particularly in making sure that their offering
20 memorandums comply with the requirements of our laws in
21 terms of -- particularly the secured loan: Where the
22 security goes, what the language is, so we're not putting
23 people in possession of gaming equipment.

24 MR. DARKO: They're not pledging their license.

25 MR. THAR: That's correct. And in both instances the

1 opinions from counsel at Baker & Daniels in the case of
2 Caesars and of Ice Miller in the case of Harrah's, where we
3 have reviewed materials and documents, Cindy has, on
4 occasion, advised that we'll not approve it unless certain
5 language is changed and that language has been changed.
6 There's some -- Cindy does the bulk of it. She and I get
7 together and review it. We try to check with Don and most
8 of the time with Bob Swan. Then if we all felt comfortable
9 with it, we would approve it. We will continue to do that
10 if it's all right with this group, particularly in the
11 situation where it's just the refinancing of existing debt.

12 MR. DARKO: A rollover.

13 MR. THAR: Yeah. It gets a little tougher when
14 somebody wants to go out and borrow more. And we have
15 waived that on occasion. We'll make more phone calls in
16 that instance to get a feel.

17 MR. VOWELS: We've also had quick telephone conference
18 meetings that took place on that too. The statute requires
19 that one of the commissioners be a CPA. So although
20 Commissioner Swan, the commission will be replacing, he has
21 to be replaced by a CPA. Right?

22 MR. THAR: Yes.

23 MR. VOWELS: All right. So what you're asking for is
24 that there be something in the minutes giving the go-ahead
25 basically as we've been doing in the past on the refinancing

1 issues.

2 MR. THAR: Knowing that it will come before the
3 commission for the ultimate issue. I'm not asking for a
4 preapproval at this point in time, just that on a general
5 consensus, if the commission doesn't have an overall
6 objection to the executive director, after reviewing these
7 matters and talking to some of the commissioners, waiving it
8 on a case-by-case basis.

9 MS. BOCHNOWSKI: And we don't always have to have a
10 meeting on this. If this is an urgent matter, as the
11 chairman said, we can meet on the phone.

12 Does that work for the companies? I mean, not just you
13 but in general?

14 MR. GIFFORD: Well, certainly the ability to have the
15 telephone business meetings as the commission's done in the
16 past can be very helpful; and I think particularly even on
17 some financings where a waiver hasn't been requested but
18 it's a relatively short time line, I think the commission
19 has been very responsive and that's been greatly
20 appreciated. That is very helpful.

21 MR. VOWELS: Even with those telephone meetings, we
22 have to have the proper notice so that no open door laws
23 have been violated.

24 Okay. As far as what the minutes will reflect, my
25 thought would be to continue forward as we are with Mr. Thar

1 having reviewed this, Ms. Dean having reviewed it too, and
2 then getting in touch with the chairman and the CPA
3 commissioner.

4 I always feel comfortable with things that you do. I
5 don't know that I would make it a blanket for all eternity.

6 But what I would like is to be able to do just like
7 we're doing, with Jack Thar reviewing it and then getting in
8 touch with the chairman and getting the CPA person's opinion
9 about those things that would change that we might want to
10 revisit as to just how we would proceed.

11 MR. THAR: The only thing that type of indication does
12 through the minutes is take a little worry out of the
13 company that am I doing something so extraordinary that the
14 commission may not approve of it, particularly to any
15 lending institutions or people that have indicated they may
16 want to buy into this issue, but they're not sure because
17 their lawyers have read the rules and say, Well, has there
18 been two meetings? And then, How secure is the waiver?
19 It's not that they don't recognize that the commission can
20 say, We don't like this. You can't go forward with public
21 registration. But if they know that the first step is not
22 one that is frowned upon by the commission.

23 MR. VOWELS: Okay.

24 MR. THAR: I think we've got enough. I don't think we
25 need to belabor the point with the commission.

1 I think what Mr. Vowels has indicated is that he wants
2 the minutes to say that John J. Thar, as executive director,
3 has the ability to waive, so long as it's been reviewed by
4 me in conjunction with Ms. Dean as chief counsel, with
5 counsel with the chairman of the commission and the CPA of
6 the commission, since other commissioners may be able to be
7 reached. While that does not guarantee future commission
8 approval, it does indicate that such procedure would not be
9 frowned upon for purpose of the waiver.

10 MR. VOWELS: With that understanding, does everyone
11 agree with that?

12 MR. DARKO: That's fine.

13 MR. VOWELS: Okay. That's good.

14 All right. Does that take care of the financing
15 aspect?

16 MR. THAR: It does.

17 MR. GIFFORD: Thank you. Is there something on the
18 facility?

19 MR. THAR: Refresh my memory.

20 MR. GIFFORD: The extension of the credit facilities
21 and the question of whether we actually need commission
22 approval or not.

23 MR. THAR: You know, I thought that was in regard to
24 Aztar but it isn't. It's with regard to you. Why don't you
25 articulate that for the commission.

1 MR. GIFFORD: Thanks. This is a little different.
2 Last summer we came before you; and the commission approved
3 by resolution Park Place entering into two credit
4 facilities. One was a 364-day \$2 billion facility, and the
5 other was a multi-year facility not to exceed \$2 billion for
6 an aggregate of the two facilities of \$4 billion. Both of
7 those credit facilities had, as approved, the ability for
8 the company to extend them in one year increments.

9 The company -- the short-term facility is about to
10 expire; and Park Place would like to extend that, renew that
11 facility. It's extended -- the current level is \$1.9
12 billion. They actually want to extend that at a reduced
13 level of \$1.5 billion. The multi-year facility expires in
14 December of '03. That's currently a \$2 billion facility.

15 Working with many of the bank lenders who comprise the
16 lending syndicate, the company would like to extend that
17 facility for two years after its expiration at the level of
18 \$1.4 billion, so a reduction in both facilities. But that
19 would be a two-year extension as opposed to the one-year
20 extension in the current agreement.

21 As we looked at this and looked at the regulations,
22 from a legal perspective, it was our view that this was not
23 a quote-unquote debt transaction subject to commission
24 approval because it wasn't new debt. These credit
25 facilities in an aggregate amount of \$4 billion had been

1 approved by the commission last year. But because of the
2 difference of the one-year, two-year extension -- well, you
3 just hate to be wrong about those kinds of things.

4 So in talking with Mr. Thar about whether commission
5 approval of these extensions would be necessary or not, I
6 think -- correct me if I misstate your view on this. I
7 think it was our collective view that because it wasn't new
8 debt and it wasn't a new facility, per se, commission
9 approval wasn't necessary but that it would be prudent.
10 Because as Mr. Thar pointed out earlier, lenders and
11 attorneys for lenders and others like to have a certain
12 degree of certainty of this. It would be prudent to bring
13 the issue before you for the commission to either agree that
14 approval was necessary and that's reflected in the minutes.
15 That's great. Or to say, Sure, we approve the deal, and
16 that would be reflected in the minutes. And that would be
17 fine. Either one of those would be fine. The third option,
18 I guess, available to you is, No, we won't approve, and we
19 hope won't get reflected in the minutes.

20 MS. BOCHNOWSKI: I don't know if we need to approve or
21 not. But like your company and every other company, it's
22 really good for you to let us know these things, you know.
23 It makes us feel like you care.

24 MR. GIFFORD: Oh, we care.

25 MS. BOCHNOWSKI: So I appreciate your at least bringing

1 it forward.

2 And, Jack, we appreciate you having them do that.

3 MR. VOWELS: There's that rare occasion where a license
4 may have been pledged.

5 MR. THAR: I think everything that Mr. Gifford has said
6 he's said better than I could have which is why I wanted him
7 to present it.

8 So thank you.

9 But the bottom line was, we already approved these
10 credit facilities. All they were doing was basically, A,
11 reducing them; and, B, extending the renewal from one year
12 to two years, which we thought was probably already inherent
13 to what the commission did anyway. So rather than -- but
14 rather than take the risk of not advising the commission,
15 only advising the staff, we thought the best course of
16 action would be to at least bring it up. If you decide a
17 resolution was necessary, we will prepare one and send it
18 around for later signing. If you feel comfortable, if the
19 company, Baker & Daniels, and the staff are comfortable with
20 the idea that there's simply a minute notation that
21 indicates no approval was needed would be sufficient.

22 MS. BOCHNOWSKI: I'm just too ambivalent as to whether
23 we need to approve or disapprove. But I think we should
24 know about it. That's the way I look at it.

25 MR. CARLTON: I agree. As long as we know and are

1 aware of the situation, I think that suffices.

2 MR. THAR: When previous action by the commission
3 covers the same debt and it's only being lowered, and that
4 would be how it would be viewed in this instance, limited to
5 this type of case.

6 MS. BOCHNOWSKI: If there's other companies, they
7 should follow suit. Not just do it, but let us know.
8 That's good.

9 MR. VOWELS: So where does that leave us? What are you
10 suggesting?

11 MR. DARKO: Next item.

12 MR. THAR: Well, do the commissioners as a group agree
13 that it's notice and knowledge rather than approval if there
14 needs to be in this kind of situation?

15 MR. DARKO: Yes.

16 MR. CARLTON: Yes.

17 MR. THAR: Then I think we need a minute entry which
18 indicates when the commission has previously acted on a
19 prior debt transaction, the action by the company is simply
20 to reduce the amount of that debt and/or extend the terms of
21 the payment, the commission needs to be notified but the
22 commission does not need to reapprove the resolution. Does
23 that reflect what the commission desires?

24 MR. CARLTON: Yes.

25 MR. DARKO: Yes.

1 MR. VOWELS: That's acceptable. Anything else you want
2 to bring up that's not on the agenda?

3 MR. GIFFORD: No. Thank you. Appreciate the offer
4 though.

5 MS. BOCHNOWSKI: We might not be so nice if you bring
6 one more thing up.

7 MR. VOWELS: The next item on the agenda. Ms. Dean,
8 are you up?

9 MS. DEAN: Yes, I am. Caesars Indiana and Prime
10 Time -- I'm sorry -- Prime Casino Games are requesting the
11 commission conditionally approve the game of 21 + 3. 21 + 3
12 is a variation of blackjack where the players may choose to
13 place a side bet. Players must play the underlying game of
14 blackjack and may decide to place the additional bet. The
15 side bet must be equal to or less than the bet upon
16 blackjack. The dealer deals each player two cards face-up
17 as in blackjack. The dealer receives one card facedown and
18 one card face-up. The 21 + 3 bet is settled at this time by
19 the player making the best three-card poker hand from the
20 two dealt to the player and the one face-up card dealt to
21 the dealer. 21 + 3 is played with either two decks or six
22 decks. On the two-deck version, the odds are five to two,
23 and the house advantage is 2.78 percent. On the six-deck
24 version, the odds are nine to one and the house advantage is
25 3.23 percent. Once the 21 + 3 bets are settled, the normal

1 play of blackjack continues.

2 The commission staff recommends that the commission
3 grant the conditional approval of the blackjack version of
4 21 + 3.

5 MR. VOWELS: Any questions then for Ms. Dean? In front
6 of us then is Resolution 2001-34, which is the conditional
7 approval of the game 21 + 3. Is there a motion to grant or
8 deny that request for conditional approval?

9 MR. DARKO: Move to grant approval. And I want to
10 thank you for giving the house advantages. It's always
11 helpful to know.

12 MR. VOWELS: Is there a second?

13 DR. ROSS: Second.

14 MR. VOWELS: Any further discussion? All those in
15 favor say "aye."

16 (Ayes -- all. Nays -- none.)

17 MR. VOWELS: We'll show that it's approved.

18 MR. THAR: Mayor King.

19 MAYOR KING: Yes, sir.

20 MR. THAR: We have two more areas to get through, which
21 will take us probably about 20 minutes or less. Then we'd
22 like to take a brief break. Can you wait till about twenty
23 to twelve to make your presentation? Will that work into
24 your schedule?

25 MAYOR KING: That's fine.

1 MR. THAR: Thank you.

2 MR. VOWELS: I'll try to talk as fast as I can. We saw
3 you come in. We're working towards it. Thank you.

4 And then the next matter on the agenda then are the
5 disciplinary actions. Ms. Brodnan.

6 MS. BRODNAN: You have before you for approval
7 Settlement Agreement No. 01-AZ-1, regarding Aztar Gaming
8 Indiana Gaming Corporation. It pertains to two issues:
9 First, a minor obtaining entrance to the riverboat; second,
10 a failure to file the required currency transaction reports.

11 On or about January 28th, 2001, an Aztar patron won a
12 \$5,000 jackpot from a slot machine located on the third
13 level of the casino. The said patron produced a resident
14 alien identification card from the INS that showed him to be
15 20 years of age, with a date of birth October 25th, 1980.
16 The patron was escorted from the riverboat, and Aztar
17 retained the \$5,000 jackpot.

18 Indiana gaming regulations require a riverboat licensee
19 to establish procedures for recording cash transactions made
20 by a patron that exceeds \$10,000 in a 24-hour period. The
21 currency transaction report or CTR must be filed with the
22 Internal Revenue Service within 15 days of the transaction,
23 and a copy must be filed simultaneously with the commission
24 office. The requirement pertains to all transactions,
25 including cashing in and out chips or tokens, payments of

1 markers, payment of winnings, and currency exchange.
2 Indiana gaming regulations also require a licensee to
3 aggregate certain cash transactions made by patrons. The
4 licensee is required to log aggregate cash transactions in
5 excess of \$3,000 that occur between the pits, slots,
6 cashiers, cages, and redemption centers.

7 In 1998, the IRS performed a compliance check of
8 Aztar's currency transaction reports. The IRS results
9 listed 48 instances where Aztar failed to file a required
10 CTR. Indiana gaming regulations require a riverboat
11 licensee to report any compliance review conducted by the
12 IRS. Pursuant to this regulation, Aztar submitted a copy of
13 the IRS report to the commission, who subsequently began its
14 own investigation regarding Aztar's CTR compliance. The
15 commission investigation uncovered 30 instances where
16 Aztar's failure to file a required CTR violated Indiana
17 gaming regulations.

18 The commission staff and Aztar agreed to settle this
19 matter prior to filing a complaint for disciplinary action.
20 The commission staff recommends that Aztar agrees to pay a
21 fine in the amount \$11,500; \$1,500 fine for the minor
22 obtaining access to the riverboat; and a \$10,000 fine for
23 the CTR violations. The \$5,000 jackpot is to be forfeited
24 for a total of \$16,500 in fines and forfeiture. A
25 settlement agreement has been executed by Aztar and the

1 commission staff. The commission staff recommends that the
2 commission approve the terms of the agreement in resolution
3 of this matter.

4 MR. VOWELS: If you could just clarify it for me. It
5 says the IRS results listed 48 instances where Aztar failed
6 to file a required CTR. What are we talking about? The
7 \$10,000 transactions or the \$3,000 transactions?

8 MS. BRODNAN: I think it's a mixture of both.

9 MR. VOWELS: Okay. Do you know if the majority -- do
10 you have any idea what --

11 MS. BRODNAN: I think most of them were the \$10,000.

12 MR. VOWELS: Most were the \$10,000?

13 MS. BRODNAN: Yes.

14 MR. VOWELS: The entire idea is to prevent
15 money-laundering; right?

16 MS. BRODNAN: It's to keep track. When you walk in and
17 out, lots of money goes in and out with the same person.

18 MR. VOWELS: Any questions then? All right. Then
19 Complaint No. 01-AZ-1 requires us to approve or disapprove
20 those terms of the settlement agreement. Is there a motion
21 to approve or disapprove?

22 MR. DARKO: I move to approve.

23 MR. VOWELS: Is there a second?

24 MR. CARLTON: Second.

25 MR. VOWELS: Any further discussion? All those in

1 favor say "aye."

2 (Ayes -- all. Nays -- none.)

3 MR. VOWELS: Then it is approved.

4 Then you have another matter with Aztar?

5 MS. BRODNAN: You have before you for approval
6 Settlement Agreement No. 01-AZ-2 regarding Aztar Indiana
7 Gaming Corporation.

8 On or about June 1st, 2001, a 19-year-old boarded the
9 riverboat during the 9:00 o'clock p.m. boarding without
10 being asked for identification. Aztar personnel did not
11 become aware of the minor's presence on the riverboat until
12 approximately 11:30 p.m., when she attempted to steal tips
13 from a cocktail server.

14 The commission staff and Aztar agreed to settle this
15 matter prior to filing a disciplinary action. The staff
16 recommended and Aztar agreed to pay a fine in the amount of
17 \$3,000. A settlement agreement has been executed by Aztar
18 and the commission staff. The staff recommends the
19 commission approve the terms of the agreement in resolution
20 of this matter.

21 MR. VOWELS: Any questions then for Ms. Brodnan? Is
22 there a motion to approve or disapprove the terms of the
23 settlement agreement?

24 MS. BOCHNOWSKI: Move to approve.

25 MR. VOWELS: Is there a second?

1 MR. CARLTON: Second.

2 MR. VOWELS: Any further discussion? All those in
3 favor say "aye."

4 (Ayes -- all. Nays -- none.)

5 MR. VOWELS: The settlement agreement is approved. And
6 then, Ms. Brodnan, you have something dealing with
7 Belterra?

8 MS. BRODNAN: You have before you for approval
9 Settlement Agreement No. 01-BT-1 regarding Belterra Casino
10 and Resort.

11 Belterra hired the Highway 50 Band to perform on the
12 riverboat in April 2001. The band performed at Belterra on
13 nine occasions: April 2nd, 3rd, 4th, 5th, 6th, 23rd, 24th,
14 25th, and 26th.

15 On or about April 27th, 2001, it was discovered during
16 signing-in procedures at security that the singer of the
17 band was only 19 years old. The band member was
18 subsequently prohibited from obtaining access to the
19 riverboat.

20 The commission staff and Belterra have agreed to settle
21 this matter prior to filing disciplinary action. The staff
22 recommends that Belterra agrees to pay a fine in the amount
23 of \$13,500, \$1,500 for each of the nine days the band
24 performed on the riverboat with the underage singer. A
25 settlement agreement has been executed by Belterra and

1 commission staff. The staff recommends that the commission
2 approve the terms of the agreement in resolution of this
3 matter.

4 MR. VOWELS: Any questions for Ms. Brodnan? Is there a
5 motion to approve or disapprove the terms of the settlement
6 agreement?

7 MR. CARLTON: Move to approve.

8 MR. VOWELS: Is there a second?

9 MS. BOCHNOWSKI: Second.

10 MR. VOWELS: Any further discussion? All those in
11 favor say "aye."

12 (Ayes -- all. Nays -- none.)

13 MR. VOWELS: We'll show it is approved.

14 Ms. Brodnan, still with you.

15 MS. BRODNAN: You have before you for approval
16 Settlement Agreement No. 01-BT-2 regarding Belterra Casino
17 and Resort.

18 Pursuant to Indiana gaming regulations, a riverboat
19 licensee shall have at least one employee who is certified
20 as an emergency medical technician under Indiana Code
21 16-31-3 on the riverboat at all times patrons are present on
22 the riverboat. Indiana Code 16-31-3 provides that a person
23 other than a licensed physician; a registered nurse or an
24 individual acting under the supervision of a licensed
25 physician; or a person providing health care in a hospital

1 or an ambulatory outpatient surgical center may not furnish,
2 operate, conduct, maintain, advertise, or otherwise be
3 engaged in providing emergency medical services as part of
4 the regular course of doing business, either paid or
5 voluntary, unless that person holds a valid certificate
6 issued by the commission. "The commission," for purposes of
7 Indiana Code 16-31, refers to the Indiana Emergency Medical
8 Services Commission.

9 On or about October 25th, 2000, Belterra hired Mr. John
10 Condron to work as an emergency medical technician. Mr.
11 Condron was certified as an EMT by the state of Kentucky and
12 was also listed on the National Registry of Emergency
13 Medical Technicians; however, Mr. Condron was not certified
14 as an EMT by the Indiana Emergency Medical Services
15 Commission. Pursuant to Belterra's captain's log, which
16 documents which employees work on board the riverboat, Mr.
17 Condron worked alone on the riverboat on 46 occasions
18 between October 2000 and March 2001.

19 The commission staff and Belterra have agreed to settle
20 this matter prior to filing a complaint for disciplinary
21 action. The commission staff recommends that Belterra will
22 agree to a fine in the amount of \$46,000, \$1,000 for each of
23 the 46 days Mr. Condron worked on board the riverboat, of
24 which \$11,000 will be suspended due to remedial actions
25 taken by Belterra since March 2001. Therefore, the

1 commission staff recommends that Belterra will agree to pay
2 a fine in the amount of \$35,000, with the understanding that
3 if Belterra violates the provision of 68 IAC 8-2-2 at any
4 time from the date of the settlement agreement through
5 December 31st, 2001, the commission shall seek payment of
6 the suspended \$11,000. The commission staff further
7 recommends that if Belterra does not violate the provisions
8 of 68 IAC 8-2-2 from the date of the settlement agreement
9 through December 31st, 2001, then the \$11,000 suspended
10 under the settlement agreement shall be deemed waived by the
11 commission and shall no longer be enforceable against
12 Belterra.

13 A settlement agreement has been executed by Belterra
14 and commission staff. The staff recommends that the
15 commission approve the terms of the agreement in resolution
16 of this matter.

17 MR. VOWELS: Thank you, Ms. Brodnan.

18 I think Jay Boyd had prepared an analysis of the
19 Kentucky EMT versus the Indiana EMT. It was in one of our
20 packets. It was a nice complete analysis. And we thank you
21 for that.

22 Are there any questions for Ms. Brodnan? Then in front
23 of us is the -- to approve -- is there a motion to approve
24 or disapprove with regard to the settlement agreement? Is
25 there a motion?

1 MS. BOCHNOWSKI: Move to approve.

2 MR. VOWELS: Is there a second?

3 MR. CARLTON: Second.

4 MR. VOWELS: Any further discussion? All those in
5 favor say "aye."

6 (Ayes -- all. Nays -- none.)

7 MR. VOWELS: Show that it's approved.

8 And, Ms. Brodnan, you have the next item.

9 MS. BRODNAN: You have before you for approval
10 Settlement Agreement No. 01-BC-1 [sic] Regarding Boyd Gaming
11 Corporation.

12 On or about July 6th, 2001, a 19-year-old boarded the
13 Blue Chip riverboat during the 3:00 p.m. boarding without
14 being asked for identification. A Blue Chip security
15 officer saw the patron on the gaming floor and noticed that
16 she appeared to be underage. The security officer
17 approached the patron, who stated that she was only 19 years
18 old. The patron was subsequently escorted off the
19 riverboat.

20 Commission staff and Boyd have agreed to settle this
21 matter prior to filing a complaint for disciplinary action.
22 Staff recommends that Boyd agree to pay a fine in the amount
23 of \$1,500. A settlement agreement has been executed by Boyd
24 and commission staff. The staff recommends the commission
25 approve the terms of the agreement in resolution of this

1 matter.

2 MR. VOWELS: Any questions of Ms. Brodnan? Is there a
3 motion to approve or disapprove the settlement agreement?

4 MR. CARLTON: Move to approve.

5 MR. VOWELS: Is there a second?

6 MR. MILCAREK: Second.

7 MR. VOWELS: Any further discussion? All those in
8 favor say "aye."

9 (Ayes -- all. Nays -- none.)

10 MR. VOWELS: We'll show the settlement agreement is
11 approved.

12 Thank you, Ms. Brodnan. It's my understanding that the
13 last matter is with Ms. Chelf in regard to Majestic Star.

14 MS. CHELF: The commission staff initiated disciplinary
15 action against Majestic Star Casino on or about August 13th,
16 2001. The disciplinary action consisted of three counts,
17 which relates to incidents that took place in 2000.

18 Count 1 of the complaint involves the Majestic Star
19 failing to notify the commission of a plot by two employees
20 to steal money from the casino. The plot involved taking
21 money from the cage during lapses in taped surveillance
22 coverage. Majestic Star conducted an internal
23 investigation, which resulted in the termination of both of
24 the employees, who happened to be surveillance agents. The
25 commission agents were not notified by Majestic Star and

1 remained unaware of this situation, including the internal
2 investigation, until approximately 10:00 o'clock on May 4th,
3 2000, three days after upper-level management personnel
4 became aware of the situation. The failure of Majestic Star
5 to report this incident to the commission agents until after
6 the suspects had been questioned and disciplined severely
7 limited the ability of the commission to fully investigate
8 the situation, including a potential criminal
9 investigation. Majestic Star violated 68 IAC 1-5-1 and 68
10 IAC 2-3-9(b) when it failed to notify the commission that it
11 suspected that two of its employees were violating the
12 license requirements by engaging in behavior that evidences
13 bad reputation and unfit character to hold a license.

14 Count 2 of the complaint centers around various
15 surveillance violations. Crucial to the plot of the
16 Majestic employees to steal from the cage is the fact that
17 Majestic Star's surveillance department used a system of
18 changing tapes that created significant lapses in recorded
19 surveillance coverage. As such, the casino was not properly
20 guarding its assets and not providing the level of complete
21 surveillance required by 68 IAC 12.

22 The two employees suspected of plotting to steal from
23 the cage were interrogated in violation of Article 12 when
24 they were questioned in a room that did not have a capacity
25 or a capability to monitor and record the questioning.

1 Majestic Star did not provide adequate protection of
2 riverboat assets during the time those employees were
3 questioned, because they were pulled from their shifts and
4 suspended with no preparations made for scheduling
5 replacement surveillance agents for that shift.

6 Count 3 of the complaint involves impermissible
7 personnel changes that were made by Majestic Star.

8 On July 7th, 2000, Majestic Star terminated its
9 director of surveillance. Majestic Star moved its director
10 of security to the position of interim director of
11 surveillance and moved the second in command of security to
12 the position of interim security director. These decisions
13 were made without the prior consent or approval of the
14 commission. The interim security director did not have a
15 Level 1 license application on file and had not been
16 approved to serve as the security director. The interim
17 director of surveillance, although already licensed as a
18 Level 1 employee, had not been given commission approval to
19 serve as the director of surveillance.

20 These personnel changes created the situation that the
21 Majestic Star security and surveillance departments were not
22 adequately overseen between July 7th, 2000, and July 11th,
23 2000, when the commission discovered the situation. Due to
24 the inadequate staffing of two departments with the primary
25 responsibility of asset security, Executive Director Jack

1 Thar ordered the Majestic Star to close the casino until a
2 reasonable solution was provided. The casino was shut down
3 at 12:00 o'clock p.m. on July 11th, and reopened at 4:00
4 o'clock p.m. on July 11th, 2000.

5 The commission staff and Majestic Star have agreed that
6 Majestic will pay a fine of \$7,500 for each of the first two
7 counts for a total fine of \$15,000. There is no fine
8 associated with Count 3 in light of the fact that the casino
9 was closed for a period of four hours as a result of the
10 actions taken in Count 3. The security agreement -- I'm
11 sorry. The settlement agreement contained in your folders
12 has been executed by Mr. Thar and Mr. Kelly. The commission
13 needs to vote to either accept or reject the terms of the
14 settlement agreement.

15 MR. VOWELS: Thank you, Ms. Chelf. Are there any
16 questions for Ms. Chelf? Is there a motion to approve or
17 disapprove the settlement agreement?

18 MR. DARKO: Move to approve.

19 MR. VOWELS: Is there a second?

20 MR. MILCAREK: Second.

21 MR. VOWELS: Any further discussion? All those in
22 favor say "aye."

23 (Ayes -- all. Nays -- none.)

24 MR. VOWELS: The settlement agreement is approved.

25 Thank you, Ms. Chelf.



1 MS. CHELF: Thank you.

2 MR. VOWELS: The next matter on the agenda then is, Mr.
3 Thar, the Grand Victoria/RSR acquisition.

4 MR. THAR: Yes. Thank you.

5 Mr. Daly, Ms. Murray, would you like to step forward,
6 and anybody else that you have with you that's connected to
7 this transaction.

8 In essence, those members of the commission that were
9 here when -- before vying for the license, that Mr. Daly was
10 one of the leaders of the group that was vying for the
11 license in the Rising Sun and eventually brought in the
12 Hyatt organization to participate. Mr. Daly and the
13 individuals he was with formed RSR, LLC, which is the Rising
14 Sun Riverboat, LLC. That's what "RSR" stands for. And that
15 company as an entity owns 20 percent of the Grand Victoria
16 Casino Resort, L.P., which is the entity that holds the
17 license. Hyatt, through a series of companies, owns the
18 other 80 percent. Mr. Daly owns 32.5 percent of RSR, which
19 gives him a resulting ownership of 6.5 percent in the Grand
20 Victoria. Mr. Daly has asked the commission that he be
21 allowed to sell 8 percent of his interest to a company
22 called FJH, LLC. That would result in transferring
23 approximately 1.6 percent interest in the company to these
24 individuals.

25 We have done a background check on a limited basis,

1 because the actual portion of the ownership change is less
2 than 5 percent. There have been criminal checks and name
3 checks, and all the investors involved in FJH, LLC, have
4 been shown to be people who are -- have no records for
5 purposes of these hearings. If the transfer is approved by
6 the commission, Mr. Daly will own 24.5 percent of RSR, LLC,
7 which translates to 4.9 percent of the licensee. FJH, LLC,
8 will own 8 percent of RSR, LLC, thereby owning 1.6 percent
9 of the Grand Victoria.

10 Ms. Murray, Mr. Daly, what would you like to add? Who
11 do you have with you?

12 MS. MURRAY: Thank you, Mr. Thar and Members of the
13 Commission. My name is Lisa Murray, counsel for FJH, LLC.
14 And for us today, with me, is Mike Firsell and Sheldon
15 Holzman, members of -- managing members of FJH, LLC, to
16 answer any questions you may have. And Pat Daly, a member
17 of RSR, LLC. And we request your approval of this ownership
18 interest transfer.

19 MR. VOWELS: Any questions for any of the players out
20 here?

21 MR. DARKO: He's the seller, and you're the buyers.
22 How'd I do?

23 MR. VOWELS: Good job.

24 MS. BOCHNOWSKI: You know you picked the right time to
25 come before us because we're really getting tired.

1 MR. DARKO: Is it an arm's length transaction in the
2 sense that you're not related by marriage or business
3 relationships, etc.?

4 MS. MURRAY: That is correct.

5 MR. VOWELS: What does FJH stand for, if anything?

6 MR. FIRSEL: Firsell, Mike Firsell; Sherwin Jarol, one of
7 our other managing members; and Sheldon Holzman.

8 MR. VOWELS: Okay.

9 MS. BOCHNOWSKI: Is this just an investment group?

10 MR. FIRSEL: Yes.

11 MR. DARKO: Located where? Based where?

12 MR. FIRSEL: In Chicago.

13 MR. VOWELS: I'm sure the staff knows all this stuff.

14 And again, for the court reporter's purposes, Firsell is
15 F-i-r-s-e-l?

16 MR. FIRSEL: That's correct.

17 MR. VOWELS: Are there any questions?

18 MR. DARKO: Does the group own any other gaming
19 investments?

20 MR. FIRSEL: No, we do not.

21 MR. VOWELS: All right. If there's nothing further
22 then, in front of us is Resolution 2001-35 concerning a
23 request to transfer ownership interest. Is there a motion
24 to grant or deny the request?

25 MR. DARKO: Move to grant.

1 MR. VOWELS: Is there a second?

2 MR. CARLTON: Second.

3 MR. VOWELS: Any further discussion? All those in
4 favor say "aye."

5 (Ayes -- all. Nays -- none.)

6 MR. VOWELS: We'll show that it's granted. Thank you.

7 MR. THAR: If you'd like, you have an interest in the
8 next one so you might want to stay. You may have just
9 bought into a winner or a loser. You don't know. You're
10 more than welcome to remain at that table.

11 Mr. Buck, you have Ms. Taylor and Mr. Hemmerle. If
12 you'd like to step on up.

13 MR. VOWELS: We're gonna revoke the license now, by the
14 way.

15 MR. THAR: Wait till he gets the check.

16 Sitting in the middle is Mr. Larry Buck. He's the
17 General Manager of the Grand Victoria Casino and Resort by
18 Hyatt. He's joined on his right by Ms. Taylor and on his
19 left by Mr. Hemmerle. Mr. Buck.

20 MR. BUCK: Good morning, Chairman, Executive Director,
21 and staff. As Mr. Thar said, I'm the general manager of
22 Grand Victoria. And Grand Victoria was initially issued a
23 riverboat license on September 16th, 1996, and it expires
24 September 15th of this year. The purpose of our coming
25 before you today is to request a conditional extension of

1 the license under the condition on the commission's
2 completion of their background investigation and holding of
3 a hearing.

4 Our application has already been submitted to
5 commission staff for their review. It was submitted July
6 11th of this year.

7 MR. VOWELS: Any questions?

8 MS. BOCHNOWSKI: So basically we need to just extend it
9 until we can come together for an actual hearing?

10 MR. THAR: That's correct. The resolution simply says
11 until we have -- we're extending it until we have a live
12 hearing over the renewal of their license.

13 MS. BOCHNOWSKI: Do you have a proposed date in here?

14 MR. THAR: We do not because we thought we would bring
15 up with the commission the following issue: Do you want to
16 handle Grand Victoria on its own, in which case a meeting
17 would be earlier, possibly as early as mid-October? Do you
18 want to do it in conjunction with Argosy, which is the same
19 southeastern portion of the state, whose license expires in
20 December? If we did them both together, it will be later.
21 Because while we anticipate -- we've already started a
22 background investigation of Grand Victoria. We've not
23 started the background investigation with regard to Argosy,
24 or we're not as far along on it.

25 So we do not have a date. For that reason we need to

1 poll the commission to see what they're comfortable with,
2 what the commissioners are comfortable with in terms of
3 dealing with that.

4 MR. VOWELS: The bottom line is one trip or two trips
5 to the southeast.

6 MR. THAR: Some people describe it as God's country,
7 and they want to go more than once.

8 MR. VOWELS: I love it there but I'd like to do it as
9 one trip, as we did here today.

10 MS. BOCHNOWSKI: Well, I think you all know how I feel
11 so...

12 MR. MILCAREK: One trip.

13 MR. VOWELS: I just thought these Lake Michigan
14 commissioners would be stronger than that because they
15 travel light.

16 MR. MILCAREK: We normally vacation down there so...

17 MR. VOWELS: All right. So I think what we're going to
18 do is we're looking more toward the latter part of the year
19 then, December, to do the Grand Victoria and the
20 Lawrenceburg boat at the same time or the same trip.

21 MS. BOCHNOWSKI: Should we just extend this to, like,
22 through --

23 MR. VOWELS: Well, the language here says renewing it
24 until the commission reconvenes to hold a public hearing.
25 And I think the staff will keep tabs on it until we can

1 eventually have a hearing. You'll remind us if we forget,
2 won't you?

3 MR. BUCK: I don't think that will be a problem.

4 MR. DARKO: You won't just close one day and forget to
5 tell us.

6 MR. VOWELS: Resolution 2001-36 that concerns renewal
7 or termination, and if so renewed, that would remain valid
8 until the commission reconvenes to hold a public hearing.
9 Is there a motion to renew or terminate this license?

10 MR. DARKO: Motion to renew.

11 MR. VOWELS: Is there a second?

12 MS. BOCHNOWSKI: Second.

13 MR. VOWELS: Any further discussion? All those in
14 favor say "aye."

15 (Ayes -- all. Nays -- none.)

16 MR. VOWELS: Your license is renewed.

17 MR. BUCK: Thank you.

18 MR. VOWELS: That's the last matter here, other than
19 Other Business. Is there any other business?

20 MR. THAR: Not with regard to the public meeting. We
21 will adjourn for a bathroom break and then start with the
22 public hearing in approximately ten minutes. We will go out
23 of order, take Mayor King's statements first if the
24 commission approves of that.

25 MR. VOWELS: Do we need to take a motion to adjourn at

1 this time?

2 MR. THAR: Yes.

3 MR. VOWELS: Okay. Is there a motion to adjourn this
4 public meeting?

5 MR. MILCAREK: So moved.

6 MR. VOWELS: Is there a second?

7 MS. BOCHNOWSKI: Second.

8 MR. VOWELS: We'll show that Commissioner Milcarek
9 moves, Bochnowski seconds, and all those in favor say "aye."

10 (Ayes -- all. Nays -- none.)

11 MR. VOWELS: Meeting's adjourned.

12 (The meeting was
13 adjourned at 11:25 a.m.)

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1 STATE OF INDIANA)
)
2 COUNTY OF PORTER)

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4
5 REPORTER'S CERTIFICATE

6 I, TERRY M. PICKERING, do hereby certify and state the
7 above and foregoing 90 pages is a true, correct, and complete
8 transcript of the INDIANA GAMING COMMISSION PUBLIC MEETING, taken
9 by me on said date, transcribed by me from my original stenotype
10 notes, and reduced to typewriting by me.

11 I further certify that I am not related to, employed
12 by, or interested in any party to this action.

13 IN WITNESS WHEREOF, I hereby affix my name and seal
14 this 17th day of September, 2001.

15
16
17 Terry M. Pickering
18 TERRY M. PICKERING
19 Court Reporter and Notary Public

20 My commission expires August 30, 2007.
21
22
23
24
25

SEAL



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